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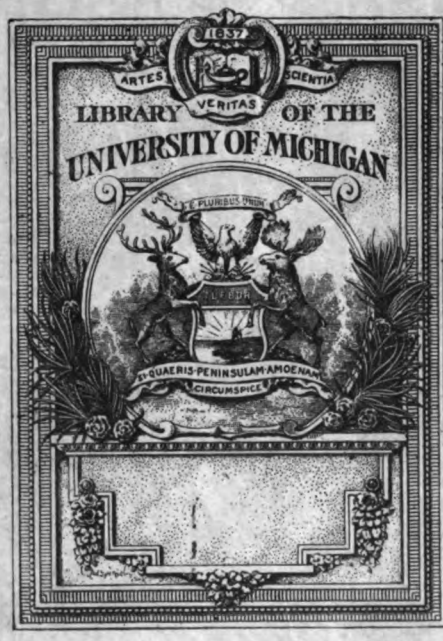

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INDEX DIGEST

OF

STATE CONSTITUTIONS

PREPARED FOR

THE NEW YORK STATE

CONSTITUTIONAL CONVENTION COMMISSION

BY THE

LEGISLATIVE DRAFTING RESEARCH FUND

OF

COLUMBIA UNIVERSITY

The New York State
Constitutional Convention Commission
1915

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SUPPLIED TO THE DELEGATES

TO THE

New York State Constitutional Convention 1915

BY THE

New York State Constitutional Convention Commission

(Established by Laws of 1914, Chapter 261, to collect, compile and print information and data for the Constitutional Convention of 1915)

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PREFACE

The Legislative Drafting Research Fund has for some time planned the preparation of an index digest of state constitutions to meet the need, which it constantly experiences in its own work, of readily accessible information as to the exact provisions of the fundamental law of the states. Prior to undertaking the preparation of this index digest for the New York Constitutional Convention of 1915 the Fund had begun the work of collecting and bringing down to date the text of the various state constitutions, but the actual digesting and classification of their provisions had not been begun and it was expected that the satisfactory completion of the work would require much more time than was available if the material was to be ready for the use of the Convention. We were persuaded, however, to undertake the task by the anticipation of a pressing demand in the Convention for information as to the content of other state constitutions, and by the hope that the use of such a digest by the Convention would develop valuable criticisms and suggestions for its future perfection.

The preparation of this volume was not begun until December, 1914. The mass of the material to be digested and the necessity of originating a classification, as well as the painstaking and time-consuming work of comparing citations and proof-reading, made it necessary that the digesting and editing of provisions relating to some important subjects be done by persons not members of our permanent staff. As a result there was not opportunity for that constant consultation among all the members of the editorial staff which is so essential to the production of an accurate and well-balanced work of this kind. No effort has been spared to make the digest paragraphs and citations accurate. The classification and arrangement of the material present the chief opportunity for improvement of the index digest in its present form. It is our hope that its publication in this form will provoke discussion among a number of persons interested in the solution of the problems with which we have struggled. It is our intention to prepare

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and publish at some later date a revised edition, which we hope may be made more useful to public officials and students of political science by reason of such discussion. For this reason it is earnestly hoped that readers noting omissions or mistakes will report them, together with general or specific criticisms of the plan and scope of the work. Especially desired are suggestions as to points of view from which to classify the material, and as to new titles or subheads.

The volume has been prepared with the idea of giving under each title and subhead enough of the constitutional provisions to render unnecessary reference to the text of the constitution unless, for such purposes as the drafting of new provisions, the exact phraseology is wanted. Every effort has been made to make the entries conform as nearly as possible to the language used and to avoid construing the constitutions. As a consequence of this procedure, many provisions, substantially similar, have been separately entered, because the method of expression is different.

In using the index digest it should be remembered that it is intended to be a comparative statement of the provisions of all the constitutions arranged by subject, rather than an attempt to present a picture of each constitution. The volume, therefore, should be more useful to a person desiring information as to how any phase of a subject is treated in the various states, than to a person seeking to find how a particular state treats that subject; e. g., under the title "Public Officers," subhead "Qualifications and Disqualifications," the reader desiring to find the provisions on this subject in any one state would have to turn over many pages, but if he wishes to know what provisions there are as to any particular branch of the subject, as for example, the effect of conviction for bribery, he will find them brought together in one place.

It should also be remembered that, in order to prevent constant repetition, provisions relating to a class of subjects have not been repeated under all the particular subjects which constitute the class, e. g., a provision relating to public officers generally is digested only under that title and not repeated under the titles of particular officers. Conversely, provisions relating to a particular subject forming part of a general class are not repeated under the general class, e. g., provisions relating specifically to the governor

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are not repeated under the title "Public Officers." It results that the reader must carefully follow all the cross references given.

The material digested includes all amendments adopted up to January 1, 1914, so far as we have been able to obtain them. Requests were sent to the various secretaries of state for a copy of each constitution in its most recent form, together with information as to amendments adopted since its publication. The material collected was checked up in every way possible in the time available, and it is believed that the texts on which the index digest is based are substantially complete. The citations in all cases are to the article and section of the constitution as it now stands, as amended, and no information is given as to the date when adopted, with the exception that the figures "1914" have been added to the citation in many cases where the amendment was adopted in that year.

LEGISLATIVE DRAFTING RESEARCH FUND

COLUMBIA UNIVERSITY

July, 1915.

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INDEX DIGEST

OF

STATE CONSTITUTIONS

ACTIONS, *See* COURTS—ACTIONS, *and references there given.*

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Courts, *See* COURTS.
Rights of accused, *See* CRIMES.
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Remedy for injuries to persons, *See* PERSONAL INJURIES.
Remedy for injuries to property, *See* PROPERTY.
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Justice to be administered according to the very right of the cause. (Del. I 9.)
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ADMINISTRATION OF JUSTICE (*Cont'd*)

Justice to be administered without denial. (Ala. I 13; Colo. II 6; Conn. I. 12; Del. I 9; Fla. D.R. 4; Ida. I 18; Ind. I 12; Ky. 14; La. 6; Me. I 19; Miss. III 24; Mont. III 6; Nebr. I 13; N.H. I 14; N.C. I 35; N.D. I 22; Ohio I 16; Okla. II 6; Pa. I 11; S.D. VI 20; Tenn. I 17; W.Va. III 17.)

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Justice ought to be administered freely. (Ark. II 13; Ill. II 19; Md. D.R. 19; Mass. Pt. I 2; Minn. I 8; R.I. I 5; Vt. I 4; Wis. I 9.)

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Justice to be administered without purchase. (Ind. I 12; N.H. I 14; Ore. I 10.)

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Justice administered without unreasonable delay. (Del. I 9; La. 6.)

Justice to be administered promptly. (Me. I 19; N.H. I 14.)

Justice ought to be administered promptly. (Ark. II 13; Ill. II 19; Mass. Pt. I 2; Minn. I 8; R.I. I 5; Vt. I 4; Wis. I 9.)

Justice to be administered speedily. (Ind. I 12.)

Justice ought to be administered speedily. (Md. D.R. 19.)

Remedy to be speedy for wrongs sustained. (S.C. I 15.)

AGE

As qualification to vote, See ELECTIONS.

As qualification to hold office, See the particular officer or class of officers.

Declaring of age by local or special law, See MINORS.

Age of consent for unmarried women to be 14. (S.C. III 28.)

AGRICULTURE

Under "BOARD OF" *and* "COMMISSIONER OF" *in this title are digested those provisions which specifically refer to these officers. For provisions relating to all officers and hence to them, See the title* PUBLIC OFFICERS;

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AGRICULTURE (*Cont'd*)

for provisions referring to elections in general, See title ELECTIONS; *for provisions allowing legislature to establish offices and provide for their election or appointment, See title* PUBLIC OFFICERS.

BOARD OF

In Louisiana and Virginia known as Board of Agriculture and Immigration.

Abolition

Board to continue for eight years, then may be abolished by legislature. (Del. XI 7.)

Compensation

As provided by law. (Del. XI 6; Okla. VI 31.)

None, except expenses incurred in attending meetings. (La. 307.)

Election or Appointment

Elected. (Mich. XI 7.)

As shall be prescribed by law. (Okla. VI 31.)

Appointed by governor by and with consent of a majority of all members elected to senate. (Del. XI 3.)

Appointed by governor subject to confirmation by senate. (La. 305; Va. X 143.)

Members and Qualifications

Three, one from each county. (Del. XI 2.)

Five, all farmers. (Okla. VI 31.)

Six, including president of Agricultural College *ex-officio.* (Mich. XI 7.)

One practical farmer from each congressional district. (Va. X 143.)

One from each congressional district; chosen from men engaged in leading agricultural interests of state, and *ex-officio* governor, commissioner of agriculture and immigration, president and vice-president of board of supervisors of Louisiana State University and Agricultural College. Director of state experiment stations. (La. 307.)

Powers and Duties

Control and direction of state agricultural organizations and farmers' institutes, encourage fairs and local agricultural organizations, and as fixed by legislature. (La. 306.)

To elect its own officers, establish subordinate branches, and as may be prescribed by law. (Va. X 144.)

As may be prescribed by law. (Mich. XI 8.)

Jurisdiction over all matters affecting animal industry, animal quarantine regulations, and as may be prescribed by law. (Okla. VI 31.)

Term of Office

As provided by law. (Okla. VI 31.)

Three years. (Del. XI 3.)

Four years. (Va. X 143.)

Six years. (La. 307; Mich. XI 7, 8.)

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AGRICULTURE (*Cont'd*)

BUREAU OF

Labor, agriculture and industry under control of commissioner. (Mont. XVIII 1.)

Statistics, agriculture and immigration may be established in office of secretary of state under regulations prescribed by law. (Wash. II 34.)

Agriculture, mining and manufacturing may be created by legislature. (Ark. X 1.)

COMMISSIONER OF

Title

Commissioner of agriculture. (Fla. IV 20.)

Commissioner of agriculture and labor. (N.D. III 83.)

Commissioner of agriculture, labor and industry. (Mont. XVIII 1.)

Commissioner of agriculture, labor and statistics. (Ky. 91.)

Commissioner of agriculture and industries. (Ala. V. 112.)

Commissioner of agriculture and immigration. (Va. X 145.)

Compensation

As provided by law. (Mont. XVIII 1.)

Paid by salary and not otherwise. (Ky. 96.)

Prescribed by law, not increased or diminished for period for which elected. (N.D. III 84.)

Limited to salary prescribed by law; cannot be increased during term for which elected. (Ala. V 137, 118.)

Fifteen hundred dollars, legislature may change after eight years; no additional compensation for services to state in other capacities. (Fla. IV 29.)

Election or Appointment

Elected. (Va. X 145.)

Elected at same time and place as member of legislature. (Ala. V 114; N.D. III 82.)

Elected at same time as governor. (Fla. IV 20; Ky. 91, 95.)

Appointed by governor subject to confirmation of senate. (Mont. XVIII 1.)

Return of election same as governor. (Ala. V 115.)

Fees

Fees payable for services paid at once into treasury. (Ala. V 137.)

Fees collected to be covered into treasury. (Ky. 93; N.D. 84.)

Impeachment, *See* IMPEACHMENT.

Powers and Duties

Prescribed by law. (Ala. V 137; Fla. IV 26; Ky. 91, 93; N.D. III 83.)

Prescribed by board of agriculture and immigration until provided otherwise by law. (Va. X 145.)

To have control of bureau of agriculture, labor and industry. (Mont. XVIII 1.)

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AGRICULTURE (*Cont'd*)
COMMISSIONER OF (*Cont'd*)
Qualifications
Twenty-five years old; citizen of United States and same qualifications as state electors. (N.D. III 82.)
Thirty years old, at time of election and resident of Kentucky; ineligible to re-election. (Ky. 91.)
Residence
Seat of government. (Mont. XVIII 1; N.D. III 82.)
State capitol, except during epidemics. (Ala. V 118; Fla. XVI 10.)
Term of Office
Two years and until successor qualified. (N.D. III 82.)
Four years. (Va. X 45.)
Four years and until successor qualified. (Ala. V 116; Ky. 91; Mont. XVIII 1.)
Same as governor and until successor qualified. (Fla. IV 20, XVI 14.)
Vacancy in Office
Filled by governor, unless disability removed or successor elected and qualified. (Ala. V 136.)
DEPARTMENT OF
Created, to be under control of regents of College of Agriculture. (N.M. XV 1.)
Agriculture and immigration, permanently maintained at capital. (Va. X 143.)
Legislature to establish department of agriculture, immigration and statistics, under regulations which best promote agricultural interests of state. (N.C. III 17.)
Secretary of internal affairs to discharge such duties relating to agriculture as may be prescribed by law. (Pa. IV 19.)
AGRICULTURAL ASSOCIATIONS
Legislature to provide for incorporation of by general law, but not to pass any special law therefor. (Fla. III 25.)
AGRICULTURAL CORPORATIONS
Legislature to provide by general law for incorporating such agricultural companies or associations as deemed necessary. (Fla. III 25.)
Appropriation of water for, *See* WATERS — APPROPRIATION.
DEALING IN FUTURES IN PRODUCTS OF
Where no *bona fide* delivery intended, against public policy and legislature to pass laws to suppress it. (La. 189.)
DRAINAGE FOR, *See* DRAINAGE.
EDUCATION, *See* EDUCATION.
EMINENT DOMAIN FOR AGRICULTURAL PURPOSES, *See* EMINENT DOMAIN.
ENCOURAGEMENT OF
Legislature to encourage agriculture. (Ark. X 1; Ind. VIII 1; Iowa IX 2; Miss. VIII 201; W.Va. XII 12.)
Legislature to enact laws for encouragement of sheep industry. (N.C. III 17.)

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AGRICULTURE (*Cont'd*)

ENCOURAGEMENT OF (*Cont'd*)

Legislature to encourage private societies, public institutions, awards and immunities for the promotion of agriculture. (Mass. Pt. II Ch. V Sec. II.)

Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor. (Minn. I 18.)

FARM MORTGAGES, INVESTMENT OF SCHOOL FUNDS IN, *See* EDUCATION — FUNDS.

FENCES, *See* FENCES.

INSPECTION OF PRODUCTS OF, *See* INSPECTION.

LABOR, *See* LABOR.

LEASE OF AGRICULTURAL LAND

Lease or grant of land for agricultural purposes over 21 years reserving any rent or service of any kind invalid. (Minn. I 15.)

Same; 20 years. (Iowa I 24.)

Same; 15 years. (Wis. I 14.)

Same; 12 years. (Mich. XVI 10; N.Y. I 13.)

LIVE STOCK DISTRICTS

Legislature not to pass a private, special or local law establishing separate stock districts. (Ala. IV 104.)

LIVE STOCK LAWS

Legislature not to pass any special, local or private legislation relating to stock. (Miss. IV 90.)

MONOPOLY IN PRODUCTS, *See* MONOPOLIES AND TRUSTS.

MORTGAGE CORPORATIONS

Corporations formed for sole purpose of lending on country property not to receive money on deposit or do banking business; under examiner of state banks. (La. 230.)

PROMOTION OF

Board of public works to adjust rates on all railroads and canals in which state has an interest, so as to promote agricultural interests of state. (Md. XII 2.)

Legislature to provide lands and funds necessary for experimental farming and demonstration of department of agriculture. (N.M. XV 1.)

PROTECTION OF

Board of agriculture to maintain effective control of sale and manufacture of fertilizers and Paris green for suppression of adulteration and fraud therein. (La. 306.)

Board to abate and prevent by such means as legislature prescribes all contagious and infectious diseases of fruit trees, plants and farm animals. (Del. XI 4.)

Legislature to enact laws for adequate protection of sheep industry. (N.C. III 17.)

Legislature to provide against introduction or spread of infectious or contagious disease, and also a system of quarantine or inspection and other regulations necessary for "and most conducive to stock interests in state". (Ida. XVI 1; Wyo. XIX 1.)

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AGRICULTURE (*Cont'd*)

PROTECTION OF (*Cont'd*)

Legislature may regulate and protect stock raisers, exempting non-stock raising sections of the state from such laws, may pass general or special laws for inspection of cattle, stock and hides and to regulate brands; local laws thus passed must be approved by freeholders of the section affected. (Tex. XVI 23.)

REGULATION OF

Not to be regulated by local or special law. (La. 48.)

RUNNING AT LARGE OF LIVE STOCK

Law relating to running at large of stock excepted from provision prohibiting enactment to take effect on the approval of any other authority than the legislature, unless otherwise provided in this constitution. (Ky. 60.)

Legislature not to pass local, private or special law affecting or regulating running at large of stock. (Ky. 59; Va. IV 63.)

STATE EMPLOYMENT IN

State shall not engage in except for education or scientific purposes and for support of its penal, charitable and educational institutions. (Okla. II 31.)

STRAYING OF LIVE STOCK

No special or local law to be passed regarding straying of live stock. (Del. II 19.)

TAXATION

See TAXATION — ASSESSMENT — IMPROVED AND CULTIVATED LAND.

See TAXATION — ASSESSMENT — LIVE STOCK.

See TAXATION — EXEMPTIONS — AGRICULTURAL AND HORTICULTURAL SOCIETIES.

See TAXATION — EXEMPTIONS — AGRICULTURAL IMPLEMENTS.

See TAXATION — EXEMPTIONS — FARM PRODUCTS.

See TAXATION — EXEMPTIONS — FORESTS, GRAPE VINES, TREES.

TRANSPORTATION

Railroad companies transporting grain in bulk or otherwise, to deliver it to consignee or elevator or public warehouse, if consignee, elevator or warehouse can be reached by track owned, leased or used, or which can be used by railroad company; track connections to be allowed. (Ill. XIII 5.)

Railroad companies and other common carriers on railroads to weigh and measure grain at points where shipped and receipt for full amount, and be responsible for delivery of such amount to owner or consignee at place of destination. (Ill. XIII 4.)

Caretakers of fruit and live stock may be given free transportation by transportation company. (Okla. IX 13.)

ALIENS

CORPORATIONS CONTROLLED BY, *See below, this title,* LANDS AND MINES.

DENIZEN

Every person of good character who comes to settle in this state having first taken an oath or affirmation of allegiance to same. deemed a free denizen thereof after one year's residence, entitled to all rights of natural-born subject except privileges of freeman or right to hold certain offices. (Vt. II 62.)

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ALIENS (*Cont'd*)

IMMIGRATION, *See* IMMIGRATION.

LANDS AND MINES

See also throughout this title.

Legislature to enact laws to limit, restrict or prevent acquiring and holding of land in state by non-resident aliens. (Miss. IV 84.)

Every person of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate. (Vt. II 62.)

Real estate excepted from guarantee of property rights to foreigners of white race or of African descent eligible to become citizens of United States under naturalization laws, but they may remain owner of real estate owned at time of adoption of amendment, and legislature may provide for disposition of real estate acquired hereafter by them by devise or descent. (Cal. I 17.)

Not to acquire title to or own land in the state and legislature to enact laws whereby aliens and heirs hereafter acquiring real estate shall dispose of same within five years upon condition of escheat or forfeiture to state; not applicable to Indians born in United States nor to aliens who may become *bona fide* residents of state, nor to lands now owned by aliens in the state. (Okla. XXII 1.)

To be duty of legislature to enact laws limiting number of acres of land which alien or corporation controlled by aliens may own in the state. (S.C. III 35.)

Chinamen not resident of state at adoption of constitution not to hold real estate or mining claim or work any mining claim; legislature to enforce this provision. (Ore. XV 8.)

Ownership of land by aliens other than those who in good faith have declared intention to become United States citizens, prohibited, except where required by inheritance, under mortgage or in good faith in ordinary course of justice in collection of debts; and conveyance of lands to alien or in trust to alien to be void; not applicable to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and necessary land for mills and machinery to be used in development thereof and manufacture of products therefrom; corporation, majority of whose capital stock is owned by aliens, to be considered alien for above purposes. (Wash. II 33.)

Aliens and denizens to have same right as citizens to acquire, purchase, possess, enjoy, convey, transmit and inherit mines and mining property, and milling, reduction, concentrating and other works and property necessary for or connected with business of mining and treating ores and minerals, but this not to infringe upon authority of United States to provide for sale or disposition of mineral and other public lands. (Mont. III 25.)

NATURALIZATION

General trial courts to have power of naturalization in accordance with laws of United States. (N.M. VI 13; Okla. VII 10.)

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ALIENS (*Cont'd*)

NATURALIZATION (*Cont'd*)

General trial courts to have power of naturalization and to issue papers therefor. (Ariz. VI 6; Cal. VI 5; Wyo. V 10; Wash. IV 6.)

General trial courts to have power of naturalization and to issue papers in accordance with laws of the United States. (Mont. VIII 11.)

PROPERTY RIGHTS

Lands and Mines, *See above, this title,* LANDS AND MINES.

All Aliens

To be treated like citizens in respect to inheritance, ownership and disposition of property. (Fla. D.R. 18.)

Rights may be regulated by law in respect to purchase or descent of property. (Kan. B.R. 17.)

Resident

To be treated like citizens in respect to acquisition of property. (Colo. II 27; W.Va. II 5.)

To be treated like citizens in respect to disposition of property. (W.Va. II 5.)

To be treated like citizens in respect to enjoyment of property. (Ala. I 34; Ark. II 20; Colo. II 27; Iowa I 22; Mich. XVI 9; Nebr. I 25; Nev. I 16; S.D. VI 14; Wis. I 15; Wyo. I 29.)

To be treated like citizens in respect to inheritance of property. (Ala. I 34; Ark. II 20; Colo. II 27; Iowa I 22; Mich. XVI 9; Nebr. I 25; Nev. I 16; S.D. VI 14; W.Va. II 5; Wis. I 15; (Wyo. I 29.)

To be treated like citizens in respect to ownership of property. (N.M. II 22.)

To be treated like citizens in respect to possession of property. (Ala. I 34; Ark. II 20; Colo. II 27; Iowa I 22; Mich. XVI 9; Nebr. I 25; Nev. I 16; N.M. II 22; S.D. VI 14; Wis. I 15; Wyo. I 29.)

To be treated like citizens in respect to taxation. (Wyo. I 29.)

To be treated like citizens in respect to tenure of property. (W.Va. II 5.)

Resident, White

White foreigners who are or may hereafter become residents of state, to enjoy same rights in respect to possession, enjoyment and descent of property as native-born citizens. (Ore. I 31.)

Residents White or of African Descent

Eligible to become citizens of United States under naturalization laws, to be treated as citizens in respect to acquisition, possession, enjoyment, transmission or inheritance of property other than real estate. (Cal. I 17.)

PROTECTION FROM

Legislature to prescribe necessary regulations to protect state, counties and municipalities from aliens who are or may become vagrants, paupers, mendicants, criminals or afflicted with contagious or infectious diseases or otherwise dangerous. (Cal. XIX 1.)

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ALIENS (*Cont'd*)

PROTECTION FROM (*Cont'd*)

The legislature shall prescribe all necessary regulations for the protection of the state, and the counties, cities and towns thereof, from the burdens and evils arising from the presence of aliens dangerous or detrimental to the well-being or peace of the state, and to impose conditions upon which such persons may reside in the state, and to provide the means and mode of their removal from the state, upon failure or refusal to comply with such conditions. (Cal. XIX 1.)

Asiatic coolieism is a form of human slavery, and is forever prohibited in this state, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the legislature may prescribe. The legislature shall delegate all necessary power to the incorporated cities and towns of this state for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this state of Chinese after the adoption of this constitution. This section to be enforced by appropriate legislation. (Cal. XIX 4.)

RIGHT TO EMPLOYMENT ON PUBLIC WORKS, *See* LABOR — PUBLIC WORKS.

RIGHT TO HOLD OFFICE, *See* PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS.

RIGHT TO LIQUOR LICENSE, *See* LIQUORS.

VOTING, *See* ELECTIONS.

AMENDMENT OR REVISION OF CONSTITUTION

ON INITIATIVE PETITION, *See* INITIATIVE AND REFERENDUM.

ADOPTION BY PEOPLE OF LAWS DECLARED UNCONSTITUTIONAL, *See* COURTS — DECISIONS.

EXCLUSIVENESS OF METHOD

Constitution may only be revised and amended "in pursuance of the provisions of this article". (Mo. XV 1.)

This article shall not impair the right of the people to amend by vote upon an initiative petition. (Okla. XXIV 2; Ore. XVII 1.)

Provisions of section providing method for proposal of amendments by legislature and ratification by people, not to be changed, altered or abrogated except through a general convention called as provided in constitution. (N.M. XIX 5.)

ADOPTED BY TWO LEGISLATURES

Amendment may be proposed in either house, agreed to by two-thirds of all members elected to each house, entered on their journals with yeas and nays. Published by secretary of state three months before next general election in three newspapers in each county. If adopted on yea and nay vote by two-thirds of all members elected to each house of next legislature after election, becomes "thereupon" part of constitution. (Del. XVI 1.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROPOSED BY ONE LEGISLATURE

See also below, this title, PROVISIONS COMMON TO LEGISLATIVE PROPOSALS.

States Requiring. (Ala. XVIII 284; Ariz. XXI 1; Ark XIX 22; Cal. XVIII 1; Colo. XIX 2; Fla. XVII 1; Ga. XIII Sec. I 1; Ida. XX 1; Ill. XIV 2; Kan. XIV 1; Ky. 256; La. 325; Me. X 2 (Amend. 1914); Md. XIV 1; Mich. XVII 1; Minn. XIV 1; Miss. XV 273; Mo. XV 2; Mont. XIX 9; Nebr. XV 1; N.M. XIX 1; N.C. XIII 2; Ohio XVI 1; Okla. XXIV 1; Ore. XVII; S.D. XXIII 1; Tex. XVII 1; Utah XXIII 1; Wash. XXIII 1; W.Va. XIV 2; Wyo. XX 1.)

Action by Legislature

Procedure

May be proposed in either house. (Ariz. XXI 1; Ark. XIX 22; Cal. XVIII 1; Colo. XIX 2; Fla. XVII 1; Ga. XIII Sec. I 1; Ida. XX 1; Ill. XIV 2; Kan. XIV 1; Ky. 256; Mich. XVII 1; Mont. XIX 9; Nebr. XV 1; N.M. XIX 1; Ohio XVI 1; Okla. XXIV 1; Ore. XVII 1; S.D. XXIII 1; Utah XXIII 1; Wash. XXIII 1; W.Va. XIV 2; Wyo. XX 1.)

"Whenever two-thirds of each house of legislature" shall deem amendment necessary, "such proposed amendment shall be read and passed by two-thirds vote of each house respectively, on each day, for three several days". (Miss. XV 273.)

Proposal may be made at regular session. (Ark. XIX 22; Fla. XVII 1; Ky. 256; N.M. XIX 1.)

Proposal may be made at biennial session. (Tex. XVII 1.)

Proposal may be made at any session. (La. 325.)

Proposal may be made at any time. (Mo. XV 2; Mont. XIX 9.)

Each amendment must be embraced in a separate bill embodying the article or section as amended. (Md. XIV 1.)

Bill must be read on three days in each house. (Ala. XVIII 284; La. 325; Miss. XV 273; W.Va. XIV 2.)

Proposed amendments to be entered on journals with ayes and nays. (Ariz. XXI 1; Ark. XIX 22; Cal. XVIII 1; Fla. XVII 1; Ga. XIII Sec. I 1; Ida. XX 1; Kan. XIV 1; La. 325; Md. XIV 1; Mich. XVII 1; Mont. XIX 9; Nebr. XV 1; N.M. XIX 1; Ohio XVI 1; Okla. XXIV 1; Ore. XVII 1; S.D. XXIII 1; Utah XXIII 1; Wash. XXIII 1; W. Va. XIV 2; Wyo. XX 1.)

Same; entered "in full". (Colo. XIX 2; Ill. XIV 2; Ky. 256.)

Votes on proposed amendments taken by yeas and nays and entered on journals. (Ala. XVIII 287; Tex. XVII 1.)

Same; entered "in full". (Mo. XV 2.)

Resolution to be passed and sent to selectmen of towns and assessors of plantations. (Me. X 2 (1914).)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROPOSED BY ONE LEGISLATURE (*Cont'd*)

Action by Legislature (*Cont'd*)

Votes Required

Majority of both houses. (Minn. XIV 1.)

Majority of members elected to each house. (Ariz. XXI 1; Ark. XIX 22; Mo. XV 2; Okla. XXIV 1; Ore. XVII 1; S.D. XXIII 1.)

Majority of all members elected to each house, voting separately; but no amendment to apply to or affect article VII sections 1 and 3, on elective franchise, and article XII sections 8 and 10, on education, unless proposed by vote of three-fourths of members elected to each house. (N.M. XIX 1.)

Two-thirds of both houses. (Me. X 2 (1914).)

Two-thirds of members elected to each house. (Cal. XVIII 1; Colo. XIX 2; Ga. XIII Sec. I 1; Ill. XIV 2; Kan. XIV 1; La. 325; Mich. XVII 1; Mont. XIX 9; Tex. XVII 1; Utah XXIII 1; Wash. XXIII 1; W.Va. XIV 2.)

Two-thirds of all members of each of the two houses, voting separately. (Ida. XX 1; Wyo. XX 1.)

Two-thirds of each house on each day for three several days. (Miss. XV 273.)

Three-fifths of each house of legislature. (N.C. XIII 2.)

Three-fifths of members elected to each house. (Ala. XVIII 284; Fla. XVII 1; Ky. 256; Md. XIV 1; Nebr. XV 1; Ohio XVI 1.)

Submission to Electorate

By Whom Submitted

By secretary of state. (Ariz. XXI 1; Okla. XXIV 1; Ore. XVII 1.)

Duty of legislature to provide by law for submitting. (W.Va. XIV 2.)

By legislature. (Cal. XVIII 1; Ida. XX 1; S.D. XXIII 1; Wyo. XX 1.)

By Whom Election Called

Legislature. (Ala. XVIII 284.)

Notice

No provision for notice. (N.C. XIII 2; Okla. XXIV 1; Ore. XVII 1.)

Proclamation of governor giving notice of election, together with proposed amendments, published in each county in manner prescribed by legislature for eight successive weeks preceding election. (Ala. XVIII 284.)

Until method of publicity otherwise provided by law, amendment published by secretary of state in one newspaper in each county for 90 days, in manner prescribed by law. (Ariz. XXI 1.)

Amendment published in one newspaper in a county for six months preceding election. (Ark. XIX 22.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)
PROPOSED BY ONE LEGISLATURE (*Cont'd*)
Submission to Electorate (*Cont'd*)
Notice (*Cont'd*)
Such publication as legislature deems expedient. (Cal. XVIII 1.)
Amendment published with laws of session, and published by secretary of state in full in not more than one newspaper in each county for four successive weeks previous to election. (Colo. XIX 2.)
Amendment published in one newspaper in each county for three months preceding election. (Fla. XVII 1.)
Legislature to cause amendment to be published in one or more newspapers in each congressional district for two months previous to election. (Ga. XIII Sec. I 1.)
Legislature to cause amendment to be published without delay in one newspaper in each county for six consecutive weeks prior to election. (Ida. XX 1.)
Amendment published in full three months before election. (Ill. XIV 2.)
Amendment published by secretary of state in one newspaper in each county three months before election. (Kan. XIV 1.)
Amendment and time of election published by secretary of state 90 days before election, in manner prescribed by law. (Ky. 257.)
Amendment published by secretary of state in two newspapers of parish of Orleans and in one newspaper in every other parish for two months preceding election. (La. 325.)
By selectmen of towns and assessors of plantations. (Me. X 2 (1914).)
Amendment published by governor in two newspapers in each county and three in Baltimore, one to be in German, once a week for three months preceding election. (Md. XIV 1.)
Amendment published in full, with existing provisions of constitution which would be altered or abrogated thereby; copy posted at each registration and election place. Printed in full on ballots. (Mich. XVII 3.)
Amendment published with laws of session. (Minn. XIV 1.)
Public notice by secretary of state three months preceding an election. (Miss. XV 273.)
Amendment published with laws of session and weekly in newspaper in each county for four consecutive weeks preceding election. (Mo. XV 2.)
Amendment published by secretary of state in one newspaper in each county for three months previous to election. (Mont. XIX 9.)
Amendment published once each week in one newspaper in each county for three months preceding election. (Nebr. XV 1.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROPOSED BY ONE LEGISLATURE (*Cont'd*)

Submission to Electorate (*Cont'd*)

Notice (*Cont'd*)

Amendment published by secretary of state in one newspaper in each county in English and Spanish for four consecutive weeks, last publication to be not more than two weeks prior to election. (N.M. XIX 1.)

Amendment published once a week for five weeks in one newspaper in each county. (Ohio XVI 1.)

Amendment published 12 weeks previous to election, in manner prescribed by legislature. (S.D. XXIII 1.)

Amendment published once a week for four weeks commencing at least three months before election in one weekly newspaper in each county. (Tex. XVII 1.)

Legislature to cause amendment to be published in one newspaper in each county for two months preceding election. (Utah XXIII 1.)

Legislature to cause amendment to be published three months preceding election in weekly newspaper in each county. Legislature to provide methods of publicity with arguments so that each voter shall receive publication at least 50 days before election. (Wash. XXIII 1, II 1(d).)

Legislature to cause amendment to be published in one newspaper in each county three months before election. (W.Va. XIV 2.)

Legislature to cause amendment to be published without delay for at least 12 consecutive weeks prior to election in one newspaper of general circulation in each county. (Wyo. XX 1.)

Time of Holding Election

Selectmen of towns and assessors of plantations to notify inhabitants "in the manner prescribed by law at the next biennial meetings in the month of September or to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the second Monday in September following the passage of said resolve". (Me. X 2 (1914).)

At next general election. (Ga. XIII Sec. I 1; Ida. XX 1; Md. XIV 1; Mo. XV 2; N.C. XIII 2; S.D. XXIII 1; Utah XXIII 1; Wash. XXIII 1; W.Va. XIV 2; Wyo. XX 1.)

At next general election, except when legislature orders special election. (Ariz. XXI 1.)

At next regular general election, except when legislature orders special election. (Ore. XVII.)

At next regular general election except where legislature shall order a special election by two-thirds vote. (Okla. XXIV 1.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROPOSED BY ONE LEGISLATURE (*Cont'd*)

Submission to Electorate (*Cont'd*)

Time of Holding Election (*Cont'd*)

At next general election or at a special election held on day, fixed by legislature, not less than three months after adjournment of legislature. (Ala. XVIII 284.)

At next regular election after adjournment of legislature or at a special election held not less than six months after adjournment, at time prescribed by law. (N.M. XIX 1.)

At next election of members of legislature. (Ill. XIV 2; Nebr. XV 1.)

At next general election for members of legislature. (Ark. XIX 22; Colo. XIX 2; Mont. XIX 9.)

At next general election for members of lower house. (Fla. XVII 1; Kan. XIV 1.)

At next general election for members of lower house providing that such election does not occur less than 90 days after final passage of resolution. (Ky. 256.)

At election for members of lower house or representatives in Congress to be designated by legislature. (La. 325.)

At next spring or autumn election, as legislature directs. (Mich. XVII 1.)

At a general or a special election as legislature may prescribe. (Ohio XVI 1.)

Any general election. (Minn. XIV 1.)

To be specified by legislature. (Cal. XVIII 1; Tex. XVII 1.)

Conduct of Election

As prescribed by law. (Cal. XVIII 1; Ill. XIV 2; Ky. 256; Mo. XV 2; N.C. XIII 2.)

Amendment to be submitted in form prescribed by legislature. (Md. XIV 1.)

Election held according to law of general elections; if held on general election day, officers to open a poll for vote on amendment; if on other day, officers to be appointed. (Ala. XVIII 284.)

Amendment submitted on separate ballot without party designation of any kind. (Ohio XVI 1.)

Amendment to be printed in full on ballots and ballots must be separate from those containing names of nominees for public office. (Mich. XVII 3.)

Substance or subject matter of amendment to be so printed that nature thereof shall be clearly indicated; ballots must contain "yes" and "no" and choice must be indicated by a cross mark made by voter or under his direction. (Ala. XVIII 285.)

Qualifications of Voters

Voters must be qualified to vote for members of legislature. (Ga. XIII Sec. I 1; Mich. XVII 1; Tex. XVII 1.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROPOSED BY ONE LEGISLATURE (*Cont'd*)

Submission to Electorate (*Cont'd*)

Votes Required to Adopt

Majority of electors voting on amendment. (Ariz. XXI 1; Cal. XVIII 1; Colo. XIX 2; Fla. XVII 1; Ga. XIII Sec. I 1; Kan. XIV 1; Ky. 256; La. 325; Me. X 2 (1914); Mich. XVII 1; Mo. XV 2; Ohio XVI 1; Ore. XVII 1; S.D. XXIII 1; Tex. XVII 1; Utah XXIII 1; Wash. XXIII 1; W.Va. XIV 2.)

Majority of electors voting on amendment; but no amendment to apply to or affect article VII, sections 1 and 3 on elective franchise, and sections 8 and 10 of article XII on education, unless ratified at election at which three-fourths of electors voting in whole state and two-thirds of those voting in each county vote for such amendment. (N.M. XIX 1, VII 3.)

Majority of electors who voted "at such election upon the amendment"; "no amendment to be adopted" unless majority of electors "who vote at such election". (Ala. XVIII 284, 285.)

Majority of votes cast "at said election on said amendment". (Md. XIV 1.)

Majority of electors voting at the election. (Ark. XIX 22; Ill. XIV 2; Minn. XIV 1; Miss. XV 273; Nebr. XV 1; Okla. XXIV 1.)

"Majority of votes cast." (N.C. XIII 2.)

Majority "of the electors". (Ida. XX 1; Wyo. XX 1.)

Amendment to be submitted to the qualified voters for their approval or rejection. (Mont. XIX 9.)

Returns and Canvass

Votes to be returned to governor in manner prescribed in other cases. (Md. XIV 1.)

Votes returned to secretary of state. (Tex. XVII 1.)

Votes certified by officers of election to secretary of state and compared and certified by election board. (Ky. 256.)

Votes canvassed by secretary of state in presence of governor. (Ore. XVII 1.)

Votes to be canvassed, tabulated and returns made to secretary of state, and counted, in same manner as in elections for members of lower house. (Ala. XVIII 284.)

Determination of result to be in manner provided by law. (Minn. XIV 1.)

Declaration of Result

Proclamation by governor required. (Ala. XVIII 284; Ky. 256; La. 325; Md. XIV 1; Ore. XVII 1; Tex. XVII 1; Wash. XXIII 1.)

Publication of Adopted Amendment

To be published in manner prescribed by law. (Ky. 256.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROPOSED BY TWO LEGISLATURES

See also below, this title, PROVISIONS COMMON TO LEGISLATIVE PROPOSALS.

States Requiring. (Conn. XI; Ind. XVI 1; Iowa X; Mass. Amend. IX; Nev. XVI 1; N.J. IX; N.Y. XIV 1; N.D. XV 202; Pa. XVIII 1; R.I. XIII; Tenn. XI 3; Vt. II 68; Va. XV 196; Wis. XII 1.)

First Legislature

Procedure

May be proposed in either house. (Ind. XV 1; Iowa X 1; Mass. Amend. IX; Nev. XVI 1; N.J. IX; N.Y. XIV 1; N.D. XV 202; Pa. XVIII 1; Tenn. XI 3; Va. XV 196; Wis. XII 1.)

Proposed by lower house. (Conn. XI.)

At the fifth biennial session of legislature following that of 1910 and at the session every tenth year, senate may propose amendments. (Vt. II 68.)

Entered on journals of each house. (Vt. II 68.)

Entered on journals of each house with yeas and nays. (Ind. XVI 1; Iowa X 1; Mass. Amend. IX; Nev. XVI 1; N. J. IX; N.Y. XIV 1; N.D. XV 202; Pa. XVIII 1; Tenn. XI 3; Va. XV 196; Wis. XII 1.)

Read three times on three several days in each house. (Tenn. XI 3.)

Votes Required

Majority of members elected to each house. (Ind. XVI 1; Iowa X 1; Nev. XVI 1; N.J. IX; N.Y. XIV 1; N.D. XV 202; Pa. XVIII 1; R.I. XIII; Tenn. XI 3; Va. XV 196; Wis. XII 1.)

Two-thirds of senate and majority of lower house. (Vt. II 68.)

Majority of senators and two-thirds of members of lower house present and voting. (Mass. Amend. IX.)

Majority of lower house. (Conn. XI.)

Second Legislature

Designation of Legislature

Next legislature. (Conn. XI.)

Legislature next to be chosen. (Mass. Amend. IX; Nev. XVI 1; N.J. IX; Pa. XVIII 1; R.I. XIII; Tenn. XI 3; Vt. II 68.)

Legislature to be chosen at next general election. (Ind. XVI 1; Iowa X 1; N.D. XV 202; Wis. XII 1.)

Legislature at first regular session after next general election of members of lower house. (Va. XV 196.)

Legislature to be chosen at next general election of senators. (N.Y. XIV 1.)

Notice Before Election of Legislature

Amendment to be published. (Mass. Amend. IX.)

Amendment published in principal newspapers. (Vt. II 68.)

Amendment published with laws of the session. (Conn. XI.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROPOSED BY TWO LEGISLATURES (*Cont'd*)

Second Legislature (*Cont'd*)

Notice Before Election of Legislature (*Cont'd*)

Amendment published in newspapers and printed copies sent by secretary of state, with names of all members voting with yeas and nays, to town and city clerks. Amendments to be submitted in warrants for next annual town or ward meetings in April and read to electors with votes cast in the legislature. (R.I. XIII.)

Amendment published for three months before election. (Nev. XVI 1; N.Y. XIV 1; Va. XV 196; Wis. XII 1.)

Amendment published, as provided by law, for three months before election. (Iowa X 1; N.D. XV 202.)

Amendment published for three months before election in at least one newspaper in each county. (N.J. IX.)

Amendment published by secretary of state for three months before next general election in at least two newspapers in each county. (Pa. XVIII 1.)

Amendment published six months before election. (Tenn. XI 3.)

Procedure

Amendment to be read three times on three several days in each house. (Tenn. XI 3.)

Votes by yeas and nays. (Conn. XI.)

Votes Required

Majority of all members elected to each house. (Ind. XVI 1; Iowa X 1; Nev. XVI 1; N.J. IX; N.Y. XIV 1; N.D. XV 202; Pa. XVIII 1; R.I. XIII; Va. XV 196; Wis. XII 1.)

Two-thirds of all members elected to each house. (Tenn. XI 3.)

Two-thirds of each house. (Conn. XI.)

Majority of senators and two-thirds of lower house present and voting. (Mass. Amend. IX.)

Majority of senate and of lower house. (Vt. II 68.)

Submission to Electorate

By Whom Submitted

Legislature. (Ind. XVI 1; Iowa X 1; Mass. Amend IX; Nev. XVI; N.J. IX; N.D. XV 202; Tenn. XI 3; Vt. II 68; Va. XV 196; Wis. XII.)

Town clerk to submit proposals to inhabitants of towns at town meeting. (Conn. XI.)

Manner of Submission

Provided by legislature. (Iowa X 1; Nev. XVI 1; N.J. IX; N.Y. XIV 1; N.D. XV 202; Pa. XVIII 1; R.I. XIII; Vt. II 68; Va. XV 196; Wis. XII 1.)

Legislature to pass laws necessary to procure fair vote and to carry into effect all the provisions of this section. (Vt. II 68.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROPOSED BY TWO LEGISLATURES (*Cont'd*)

Submission to Electorate (*Cont'd*)

Time of Holding Election

At time prescribed by legislature. (Iowa X 1; Nev. XV 1; N.Y. XIV 1; N.D. XV 202; R.I. XIII; Tenn. XI 3; Va. XV 196; Wis. XII 1.)

At special election at time prescribed by legislature, at least four months after adjournment of legislature. (N.J. IX.)

At time prescribed by legislature, at least three months after being agreed upon by legislature. (Pa. XVIII 1.)

At meeting held for that purpose. (Conn. XI; Mass. Amend. IX.)

Notice of Election

Proposed amendment to be published by secretary of state for three months before election in two newspapers in each county. (Pa. XVIII 1.)

Proposition for amendment to be published in mode provided in the act of approval. (R.I. XIII.)

Meetings "legally warned". (Mass. Amend. IX.)

Town meetings "legally warned". (Conn. XI.)

Qualifications of Voters

Those may vote who are qualified to vote for members of legislature. (Iowa X 1; Nev. XVI 1; N.J. IX; N.D. XV 202; Va. XV 196.)

Freemen of the state. (Vt. II 68.)

"Citizens of state voting for members of lower house." (Tenn. XI 3.)

Votes Required to Adopt

Majority of those voting on amendment. (Iowa X 1; Mass. Amend. IX; Nev. XVI 1; N.J. IX; N.Y. XIV 1; N.D. XV 202; Pa. XVIII 1; Vt. II 68; Va. XV 196; Wis. XII 1.)

Majority of electors. (Ind. XVI 1.)

Majority of electors present at town meetings. (Conn. XI.)

A majority "voting for members of lower house, voting in favor" of the amendments. (Tenn. XI 3.)

Three-fifths of those voting on the amendments. (R. I. XIII.)

PROPOSED BY LEGISLATURE, ADOPTED BY PEOPLE AND RATIFIED BY NEXT LEGISLATURE

Amendment may be proposed in either house, passed by two-thirds of members elected to each house, entered upon journals with yeas and nays. Submitted to electors qualified to vote for members of legislature, at next general election for members of lower house. Ratified by majority of electors voting upon the amendment. Adopted by majority of each branch of next legislature by yea and nay vote after the election and before another. All amendments shall be read three times on three several days in each house. (S.C. XVI 1.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROVISIONS COMMON TO LEGISLATIVE PROPOSALS

Submission to Governor

Submission for approval of governor of a bill proposing an amendment is not necessary. (Ala. XVIII 287, V 125; Ky. 256; Miss. IV 60; Mo. V 14; R.I. Amend. XV 1.)

Frequency of Submission

Legislature not to propose amendments oftener than once in six years. (Tenn. XI 3.)

No amendment or amendments shall be submitted oftener than once in five years. (N.J. IX; Pa. XVIII 1.)

Same amendment may not be again submitted within five years after submission. (Ky. 256.)

Legislature may not propose amendments to same article oftener than once in four years. (Ill. XIV 2.)

No additional amendments to be proposed while amendment agreed upon by one legislature is waiting for action of next legislature or of electors. (Ind. XVI 2.)

Limit on Number at Same Time

No more than two amendments may be submitted at same time. (Ky. 256.)

No more than three amendments may be submitted at same time. (Ark. XIX 22; Kan. XIV 1; Mont. XIX 9.)

Amendments may not be submitted to more than one article at same session. (Ill. XIV 2.)

Legislature not to propose amendments to more than six articles at same session. (Colo. XIX 2.)

Subject Matter

Each amendment shall relate to no more than one subject. (Ky. 256.)

No amendment shall be passed which will change the representation in legislature from a basis of population. (Ala. XVIII 284.)

Separate Vote

Every amendment must be voted upon separately when two or more are submitted at same time. (Ariz. XXI 1; Ark. XIX 22; Fla. XVII 1; Ga. XIII Sec. I 1; Ida. XX 2; Ind. XVI 2; Iowa X 2; Kan. XIV 1; Ky. 256; La. 325; Md. XIV 1; Minn. XIV 1; Miss. XV 273; Mo. XV 2; Nebr. XV 1; N.J. IX; N.M. XIX 1; N.D. XV 202; Ohio XVI 1; Okla. XXIV 1; Ore. XVII 1; Pa. XVIII 1; S.C. XVI 2; S.D. XXIII 1; Tex. XVII 1; Utah XXIII 1; Wash. XXIII 1; W.Va. XIV 2; Wis. XII 1; Wyo. XX 2.)

Amendments must be so prepared and distinguished by numbers or otherwise that each can be voted upon separately. (Cal. XVIII 1; Mont. XIX 9.)

If more than one amendment submitted, each voted on separately, and votes cast separately counted "the same as though but one amendment was submitted". (Colo. XIX 2.)

Legislature to enact laws necessary to procure "free and fair vote upon each amendment proposed". (Vt. II 68.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

PROVISIONS COMMON TO LEGISLATIVE PROPOSALS (*Cont'd*)

Time Amendment Takes Effect

January first, after approval by people. (N.Y. XIV 1.)

Upon proclamation by governor that necessary majority was in favor of amendment. (Md. XIV 1; Ore. XVII 1.)

From time of ratification by voters. (W.Va. XIV 2.)

Inserted as part of constitution by next succeeding legislature after popular ratification. (Miss. XV 273.)

AMENDMENTS COINCIDENTLY PROPOSED BY LEGISLATURE AND CONVENTION

Amendment proposed by a convention relating to same subject as one proposed by legislature, coincidently submitted to people, shall, if approved, be deemed to supersede the amendment so proposed by legislature. (N.Y. XIV 3.)

CONVENTION

There are no provisions for constitutional conventions in the following states: Arkansas, Connecticut, Indiana, Louisiana, Massachusetts, Mississippi, New Jersey, North Dakota, Pennsylvania, Rhode Island, Texas and Vermont.

Specification of Purpose of Convention

Revision of entire constitution. (Nev. XVI 2.)

To revise constitution. (Cal. XVIII 2; Fla. XVII 2; Minn. XIV 2; N.H. II 98; S.D. XXIII 2.)

General revision. (Mich. XVII 4.)

To revise and amend. (Del. XVI 2; Iowa X 3; Mo. XV 3; N.Y. XIV 2; Va. XV 197.)

To revise or amend. (Ida. XX 3; N.M. XIX 2; Utah XXIII 2; Wash. XXIII 2; Wyo. XX 3.)

To revise, amend or change. (Ga. XIII Sec. I 2; Kan. XIV 2; Nebr. XV 2; S.C. XVI 3.)

To revise, amend or change (if question of convention submitted by legislature); revise, alter or amend (if question submitted at 20-year intervals). (Ohio XVI 2, 3.)

To revise, alter or amend. (Ala. XVIII 286; Colo. XIX 1; Ill. XIV 1; Mont. XIX 8.)

Same; or propose new constitution. (Ariz. XXI 2; Okla. XXIV 2.)

To revise or change. (Wis. XII 2.)

To readopt, revise or amend. (Ky. 258.)

To alter, reform or abolish. (Tenn. XI 3.)

To alter. (Md. XIV 2; W.Va. XIV 1.)

To amend or propose amendments. (Ore. XVII 1.)

To amend. (Me. IV Pt. III 15.)

Not stated. (N.C. XIII 1.)

Held if Legislature Requires

Legislature may call convention by two-thirds concurrent vote of both branches. (Me. IV Pt. III 15.)

No convention to be called by legislature to revise, amend or change constitution unless by concurrence of two-thirds of members of each house. (Ga. XIII Sec. I 2.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

CONVENTION (*Cont'd*)

Vote of Electorate Prerequisite

Question Submitted at Stated Intervals

Legislature to provide by law for submitting question to people in 1887 and every 20 years thereafter. (Md. XIV 2.)

Selectmen and assessors of several towns and places of state in warning first annual meeting for choice of senators after expiration of seven years from adoption of constitution as amended, to insert expressly in the warrant this purpose, to wit: to take the sense of the voters on subject of revision of constitution; same method to be observed afterward at the expiration of every seven years. (N.H. II 98, 99.)

Question Submitted at Stated Intervals and at Discretion of Legislature

At general election in 1870 and each tenth year thereafter, and at such times as legislature may provide. (Iowa X 3.)

At general election in 1916 and every twentieth year thereafter, and at such times as legislature may by law provide. (N.Y. XIV 2.)

At general election in 1926, in each sixteenth year thereafter and at such other times as may be provided by law. (Mich. XVII 4.)

At general election in 1932 and each twentieth year thereafter, and at any other time by two-thirds vote of members elected to each house. (Ohio XVI 2, 3.)

No convention called by legislature unless law providing for convention is approved by the people on a referendum vote; question to be submitted to people at least once every 20 years. (Okla. XXIV 2.)

Question Submitted at Discretion of Legislature

Convention proposed by legislature at any time by law. (Mo. XV 3; Tenn. XI 3.)

There shall be no convention to amend or to propose amendments without approval of people at a regular general election. (Ore. XVII 1.)

No convention called by legislature to propose alterations, revisions or amendments or to propose new constitution, unless laws providing for convention approved by people on a referendum vote. (Ariz. XXI 2.)

Convention proposed by majority of senate and lower house. (Wis. XII 2.)

Convention proposed by majority of members elected to each house. (Va. XV 197; W.Va. XIV 1.)

Same; passed by two consecutive legislatures by yea and nay vote, entered on journals; law entered on journals. (Ky. 258.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

CONVENTION (*Cont'd*)

Vote of Electorate Prerequisite (*Cont'd*)

Question Submitted at Discretion of Legislature (*Cont'd*)

No convention to be held to alter or amend constitution unless after legislature, by vote of majority of members elected to each house, has passed act or resolution calling convention, question of convention or no convention shall be first submitted to electors and approved. Act or resolution calling convention not to be repealed, except on vote of majority of members elected to each house at same session at which passed. (Ala. XVIII 286.)

Convention proposed by two-thirds of members elected to each branch. (Cal. XVIII 2; Colo. XIX 1; Ida. XX 3; Kan. XIV 2; Minn. XIV 2; Mont. XIX 8; Nev. XVI 2; S.C. XVI 3; S.D. XXIII 2; Utah XXIII 2; Wash. XXIII 2; Wyo XX 3.)

Same; act need not be approved by governor. (Del. XVI 2, 4.)

Convention proposed by concurrence of two-thirds of all the members of each house. (N.C. XIII 1.)

Convention proposed by two-thirds of members of each house, by vote entered on journals. (Ill. XIV 1.)

Convention proposed by two-thirds of all members of both houses; vote entered on journals with yeas and nays. (Fla. XVII 2.)

Convention proposed by three-fourths of members elected to each house at any time during first 25 years after adoption of constitution and two-thirds of members elected to each house, after that time. (N.M. XIX 2.)

Convention proposed by three-fifths of members elected to each branch. (Nebr. XV 2.)

Exclusiveness of Method

Convention not to be called except as provided in constitution. (Mo. XV 3; Va. XV 197; W.Va. XIV 1.)

Submission to Electorate

Notice of Election

Published weekly in one newspaper in every county for three months preceding election and if no newspaper is published in a county, by posting in polling precincts six weeks preceding election. (Fla. XVII 2.)

Selectmen and assessors of several towns and places in state in warning meeting for choice of senators, to insert expressly in warrant "this purpose among others for the meeting, to wit: to take the sense of the qualified voters on the subject of revision of constitution"; meeting must be "warned accordingly and not otherwise". (N.H. II 98.)

Published by secretary of state as provided by law submitting question. (Ky. 263.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

CONVENTION (*Cont'd*)

Submission to Electorate (*Cont'd*)

Time of Election

At general election in 1870, and in each tenth year thereafter, and at such times as legislature may provide. (Iowa X 3.)

At general election in 1887 and every 20 years thereafter. (Md. XIV 2.)

At general election in 1916 and every twentieth year thereafter, and also at such times as legislature may by law provide. (N.Y. XIV 2.)

At general election in 1926 and every sixteenth year thereafter, and at such times as may be provided by law. (Mich. XVII 4.)

At "general election" in 1932 and every twentieth year thereafter; at next election for members of legislature, if question submitted by legislature. (Ohio XVI 2, 3.)

At first annual meetings for choice of senators after expiration of seven years from adoption of constitution as amended, and at expiration of every seven years thereafter. (N.H. II 98, 99.)

At next general election. (Cal. XVIII 2; Colo. XIX 1; Del. XVI 2; Ida. XX 3; Ill. XIV 1; N.M. XIX 2; N.C. XIII 1; Utah XXIII 2; Wash. XXIII 2; Wyo. XX 3.)

At next election for members of legislature. (Kan. XIV 2; Nebr. XV 2; Nev. XVI 2; S.D. XXIII 2; Wis. XII 2.)

At next general election for members of legislature. (Minn. XIV 2.)

At next election for members of lower house. (Fla. XVII 2; S.C. XVI 3.)

At next regular election for state officers or members of lower house which does not occur within 90 days. (Ky. 258.)

Polls to be opened on day specified by legislature, not less than three months after passage of law, for purpose of taking sense of voters. (W.Va. XIV 1.)

At a regular general election. (Ore. XVII 1.)

At a regular or special election. (Ariz. XXI 2; Okla. XXIV 2.)

As legislature may direct. (Mo. XV 3; Mont. XIX 8; Va. XV 197.)

Qualifications of Voters

Electors voting must be qualified to vote for members of legislature. (Iowa X 3; Mich. XVII 4; Va. XV 196.)

Ballots

Question of "convention or no convention" shall be first submitted. (Ala. XVIII 286; N.C. XIII 1.)

Question submitted "Shall there be a convention to revise the constitution and amend the same?" (Del. XVI 5; Iowa X 3; N.Y. XIV 2; Va. XV 197.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

CONVENTION (*Cont'd*)

Submission to Electorate (*Cont'd*)

Ballots (*Cont'd*)

Question "Shall there be a convention to revise, alter or amend the constitution" (in case of question submitted at 20-year intervals); no provision in case of question submitted by legislature. (Ohio XVI 2.)

Ballots must be separate from the regular election ballots. (Del. XVI 5.)

Separate ballots without party designation (in case of question submitted by legislature); no provision where question submitted at 20-year intervals. (Ohio XVI 2.)

Conduct of Election

Moderator to take sense of qualified voters present. (N.H. II 98.)

Legislature to provide for having poll opened in each voting precinct by officers provided by law for holding general elections; votes taken in manner provided by law for other state elections. (Ky. 258.)

Returns

Legislature shall provide for counting votes for or against a convention, and for returning to legislature at next session the state of such vote. (Del. XVI 3.)

Votes certified to secretary of state by same officers and in same manner as in state elections. (Ky. 258.)

Return of number of votes made by the clerks sealed up and directed to legislature at next session. (N.H. II 98.)

Votes Necessary

Majority voting on question. (Cal. XVIII 2; Colo. XIX 1; Del. XVI 2; Fla. XVII 2; Iowa X 3; Mo. XV 3; Mont. XIX 8; N.M. XIX 2; N.Y. XIV 2; Ohio XVI 2, 3; Tenn. XI 3; Va. XV 197; W.Va. XIV 1; Wis. XII 2.)

Majority voting on question, if total number of votes cast in favor is equal to one-fourth the number of qualified voters voting in last preceding general election. (Ky. 258.)

Majority voting at election. (Ala. XVII 286; Ida. XX 3; Ill. XIV 1; Kan. XIV 2; Md. XIV 2; Mich. XVII 4; Minn. XIV 2; Nebr. XV 2; S.C. XVI 3; S.D. XXIII 2; Utah XXIII 2; Wash. XXIII 2; Wyo. XX 3.)

Majority voting at election; in determining what this number is, reference to be had to highest number of votes cast at election for candidates for any office or on any question. (Nev. XVI 2.)

Majority of votes cast. (N.C. XIII 1.)

"Majority of qualified voters of state present and voting at meetings." (N.H. II 98.)

"Approved by the people." (Ariz. XXI 2; Okla. XXIV 2.)

Declaration of Result

Secretary of state to certify to legislature at next regular session. (Ky. 258.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

CONVENTION (*Cont'd*)

Legislature to Provide for Convention

Provision for a convention must be made, by the legislature at its next session after popular ratification. (Cal. XVIII 2; Colo. XIX 1; Del. XVI 2; Ida. XX 3; Ill. XIV 1; Iowa X 3; Kan. XIV 2; Md. XIV 2; Mont. XIX 8; Minn. XIV 2; Nebr. XV 2; Nev. XVI 2; N.M. XIX 2; Ohio XVI 2, 3; S.C. XVI 3; S.D. XXIII 2; Utah XXIII 2; Va. XV 197; Wash. XXIII 2; Wis. XII 2; Wyo. XX 3.)

Same; next "regular" session. (Ky. 258.)

Provision for convention must be made, by legislature chosen at election when question submitted. (Fla. XVII 2.)

If it appears to legislature by return of votes that sense of people has been taken and that in opinion of majority of qualified voters in state present and voting at meetings there is necessity for revision, it shall be duty of legislature to call convention, "otherwise" legislature to direct sense of people to be taken and then proceed in same manner. (N.H. II 98.)

Delegates to be chosen and convention to assemble in mode and manner as shall be prescribed. (Tenn. XI 3.)

Act calling convention need not be approved by governor. (Ala. XVIII 287; Del. XVI 4.)

Time of Holding

First Tuesday in April after election of delegates. (N.Y. XIV 2.)

First Tuesday in September after election of delegates. (Del. XVI 2; Mich. XVII 4.)

Within six months after legislature passes law providing for convention. (Fla. XVII 2; Nev. XVI 2.)

Within 90 days after election of delegates. (Ky. 260.)

Within three months after election of delegates. (Cal. XVIII 2; Minn. XIV 2; Nebr. XV 2; Ohio XVI 2; S.D. XXIII 2.)

Not less than three months after ratification upon day and hour that legislature directs. (Colo. XIX 1; Ill. XIV 1; Mont. XIX 8.)

At time legislature directs. (Mo. XV 3; N.C. XIII 1.)

Place of Holding

At state capital. (Del. XVI 2; Ky. 260; Mich. XVII 4; N.Y. XIV 2.)

Where the legislature directs. (Cal. XVIII 2; Colo. XIX 1; Ill. XIV 1; Mo. XV 3; Mont. XIX 8.)

Delegates

Number and Apportionment

Not less than double the most numerous branch of the legislature. (Ida. XX 3; Wyo. XX 3.)

Not less than number of members in both branches of legislature. (Nev. XVI 2; Utah XXIII 2.)

Not to exceed that of both branches of the legislature. (Cal. XVIII 2.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)
CONVENTION (*Cont'd*)
Delegates (*Cont'd*)
Number and Apportionment (*Cont'd*)
Each county and legislative district of Baltimore to have number equal to representation in both houses of legislature. (Md. XIV 2.)
Not less than the most numerous branch of the legislature. (Wash. XXIII 2.)
Equal to most numerous branch of legislature. (S.C. XVI 3.)
At least as many as lower house. (N.M. XIX 2.)
Same as lower house of legislature. (Minn. XIV 2; Nebr. XV 2; Ohio XVI 2; S.D. XXIII 2.)
Same; elected from same districts as members of lower house. (Fla. XVII 2; Ky. 259; Mont. XIX 8.)
Proportioned as members of lower house. (N.H. II 98.)
Double that of senate, elected from same districts as senators. (Ill. XIV 1; Colo. XIX 1.)
Three delegates from each senatorial district. (Mich. XVII 4.)
Each senatorial district to elect two for each senator to which entitled. (Mo. XV 3.)
Three delegates from each senate district and 15 delegates at large. (N.Y. XIV 2.)
Forty-one; one elected from each representative district, two from New Castle county, two from Sussex county, two from Kent county. (Del. XVI 2.)
Representation in convention based on population as near as practicable. (Ga. XIII Sec. I 2.)
Qualifications
Same as for members of legislature. (Cal. XVIII 2.)
Same as for senators. (Colo. XIX 1; Ill. XIV 1; Mo. XV 3; Mont. XIX 8.)
Same as for members of lower house. (Ky. 259.)
Convention to be judge of qualifications of its members. (Del. XVI 2; Ky. 262; Mich. XVII 4; N.Y. XIV 2.)
Calling Election
Governor to issue writs to sheriffs ordering electing of delegates. (Mo. XV 3.)
Time of Election
At next biennial spring election. (Mich. XVII 4.)
At next general election for members of lower house. (N.Y. XIV 2.)
Legislature at next session after popular vote in favor of a convention to provide for election of delegates at next general election. (Del. XVI 2.)
At next general state election which does not occur within less than 90 days after passage of act calling convention. (Ky. 260.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

CONVENTION (*Cont'd*)

Delegates (*Cont'd*)

Time of Election (*Cont'd*)

Members of convention not to be elected until at least one month after result of vote on calling of convention is published. (W.Va. XIV 1.)

Fixed by governor; not less than three and within six months after popular ratification. (Mo. XV 3.)

Manner of Election

Chosen in same manner as members of legislature. (Cal. XVIII 2; N.H. II 98.)

Chosen in same manner as members of senate. (Mo. XV 3.)

Same; adds "at same places". (Colo. XIX 1; Ill. XIV 1.)

Chosen in same manner as members of lower house. (Minn. XIV 2; Nebr. XV 2; S.D. XXIII 2.)

Same; adds "at same places". (Mont. XIX 8.)

Nominated by nominating petitions only and voted for upon independent and separate ballots without emblem or party designations; chosen as provided by law. (Ohio XVI 2.)

Legislature in act calling convention, to provide for comparing polls and giving certificates of election to delegates elected. (Ky. 261.)

Contested Elections

Convention to judge of election, returns and qualifications of its own members. (Del. XVI 2; Mich. XVII 4; N.Y. XIV 2.)

Convention shall be judges of election and qualification of its members and determine contested elections, but legislature shall provide for taking testimony and for issuing a writ of election in case of tie. (Ky. 262.)

Vacancies, How Filled

As in legislature. (Colo. XIX 1; Ill. XIV 1; Mont. XIX 8.)

By electors of district or county from which delegate chosen; governor to issue writ of election. (Del. XVI 2.)

By appointment by governor of qualified resident of same district. (Mich. XVII 4.)

By vote of remaining delegates in district, and in case of delegates at large, by vote of remaining delegates at large. (N.Y. XIV 2.)

Oath of Office

To support Constitution of United States and of state, and to perform duties faithfully. (Colo. XIX 1; Ill. XIV 1; Mont. XIX 8.)

Compensation

As provided by law. (Del. XVI 2.)

Legislature to fix and provide for payment in act calling convention. (Colo. XIX 1; Ill. XIV 1; Ky. 261; Mont. XIX 8.)

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AMENDMENT OR REVISION OF CONSTITUTION (*Cont'd*)

CONVENTION (*Cont'd*)

Delegates (*Cont'd*)

Compensation (*Cont'd*)

One thousand dollars and same mileage as members of legislature, but compensation may be increased by law. (Mich. XVII 4.)

Same compensation and same mileage as annually payable to members of lower house. (N.Y. XIV 2.)

Quorum

Majority of delegates elected. (Mich. XVII 4.)

Majority of convention. (Del. XVI 2; N.Y. XIV 2.)

Powers

Nothing herein contained shall be construed as restricting jurisdiction and power of convention when duly assembled to establish such ordinances and do and perform such things as to the convention may seem necessary or proper for the purpose of altering, revising or amending constitution. (Ala. XVIII 286.)

Procedure

Convention shall determine its own rules. (Del. XVI 2; Mich. XVII 4; N.Y. XIV 2.)

Officers

Convention shall appoint its own officers, employees and assistants, and fix their compensation. (Del. XVI 2; Mich. XVII 4; N.Y. XIV 2.)

Pay fixed and payment provided for by legislature in act calling convention. (Colo. XIX 1; Ill. XIV 1; Mont. XIX 8.)

Printing

The convention shall provide for the printing of its documents, journals, and proceedings. (Mich. XVII 4; N.Y. XIV 2.)

Same; adds "debates". (Del. XVI 2.)

Expenses

Legislature to provide in act calling convention, for payment of its necessary expenses. (Colo. XIX 1; Ill. XIV 1; Mont. XIX 8.)

Votes Necessary for Submission of Amendments by Convention

Assent of majority of delegates elected; yeas and nays to be entered on journal. (Mich. XVII 4; N.Y. XIV 2.)

Adjournment

After completion of its business. (Ky. 260; Mich. XVII 4; N.Y. XIV 2.)

Adoption of Convention's Proposals

Time of Holding Election

On first Monday in April following final adjournment providing 90 days intervene and if not, at next general election. (Mich. XVII 4.)

At next general election. (Utah XXIII 3.)

At general or special election. (Ariz. XXI 2; Okla. XIV 2.)

At special election to be determined by legislature. (Cal. XVIII 2.)

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AMENDMENT OR REVISION OF CONSTITUTION *(Cont'd)*

CONVENTION *(Cont'd)*

Adoption of Convention's Proposals *(Cont'd)*

Time of Holding Election (Cont'd)

Time fixed by convention not less than six weeks after adjournment of convention. (N.Y. XIV 2.)

At election appointed by convention for that purpose not less than two nor more than six months after adjournment. (Colo. XIX 1; Ill. XIV 1; Mont. XIX 8.)

Constitution to be submitted at time fixed in it, not less than 60 days nor more than six months after adoption by convention. (Mo. XV 3.)

Manner of Election

Determined by law. (Cal. XVIII 2.)

Determined by convention. (Mich. XVII 4; N.Y. XIV 2.)

Returns certified, in manner directed by convention, to executive of state, who, aided by the comptroller, treasurer and secretary of state, canvasses returns. (Cal. XVIII 2.)

Votes Necessary

Majority voting on question. (Ariz. XXI 2; Cal. XVIII 2; Md. XIV 2; Mich. XVII 4; Mo. XV 3; Nebr. XV 2; N.Y. XIV 2; Ohio XVI 3; Okla. XXIV 2.)

Majority voting at the election. (Colo. XIX 1; Ill. XIV 1; Mont. XIX 8; Utah XXIII 3.)

Two-thirds of qualified voters "present and voting" upon question. (N.H. II 98.)

Constitution adopted by convention must be ratified, but no provision as to majority necessary. (Ida. XX 4; N.M. XIX 2; Wash. XXIII 3; W.Va. XIV 1; Wyo. XX 4.)

Declaration of Result

Proclamation by governor proclaiming ratification of amendment or revision. (Cal. XVIII 2; Mo. XV 3.)

Revision to Take Effect

On January first after approval. (Mich. XVII 4; N.Y. XIV 2.)

Thirty days after popular ratification. (Mo. XV 3.)

Legislature authorized and directed to fix time when alterations and amendments shall take effect and make arrangements accordingly. (N.H. II 97.)

ANNEXATION OF TERRITORY, *See* TERRITORIAL JURISDICTION.

APPEALS, *See* COURTS.

APPRAISERS, STATE BOARD OF

Composed of auditor and one member from each congressional district to be elected by the governor, lieutenant-governor, treasurer, attorney-general and secretary of state, to hold office for four years; compensation fixed by law; to assess property belonging to corporations, associations and individuals employed in railroad, telegraph, telephone, sleeping car and express business in state. (La. 226.)

Members removed for high crimes and misdemeanors, non-feasance or malfeasance in office, incompetency, corruption, favoritism, extortion or oppression in office, gross misconduct and habitual drunkenness, by district court of domicile; detailed provisions for bringing suit, costs, appeals, etc. (La. 222.)

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APPRENTICES

No male over 21 or female over 18 to be holden by law to serve any person as apprentice unless bound by own consent after arriving at such age, or bound by law for payment of debts, damages, fines, costs or the like. (Vt. I 1.)

APPROPRIATIONS

For provisions requiring an appropriation as a justification for paying out state's money, See STATE FINANCES — EXPENDITURES.

For provisions respecting state budget, See STATE FINANCES, *and See below, this title,* BILLS — CONTENTS.

PURPOSE

For provisions requiring specification of purpose in bills making appropriations, See below, this title, BILLS — CONTENTS — SPECIFICATION OF PURPOSE.

For specific authorizations or prohibitions of appropriations for specified subject, See that subject.

As to appropriations for agricultural experiments, See AGRICULTURE.

As to appropriations for canals, See CANALS.

As to appropriations for charitable, educational or benevolent purposes, See "CHARITIES" *and* "EDUCATION".

For provisions forbidding appropriations to pay claims not previously authorized, See STATE FINANCES — CLAIMS AGAINST STATE.

As to appropriations for private, denominational or sectarian schools, See EDUCATION.

As to appropriations for historical monuments, See HISTORY.

As to appropriations for bureau of immigration, See IMMIGRATION.

As to appropriations for internal improvements, See INTERNAL IMPROVEMENTS.

As to appropriations for militia, See MILITIA.

As to power of state to become stockholder in or subscribe to stock of company, association or corporation, See "PUBLIC PROPERTY" *and* "BANKS".

As to appropriations in aid of churches or other religious purpose, See RELIGION.

As to appropriations for public highways, See ROADS.

As to appropriations for erection state capital buildings, See SEAT OF GOVERNMENT.

As to appropriations for pensions, See SOLDIERS AND SAILORS.

"No appropriations for private or individual purposes shall be made". (Tex. XVI 6.)

Appropriations by legislature to be in following order: (1) Interest on bonded state debt falling due during term of legislature; (2) sinking fund not less than $250,000 annually; (3) free public school purposes; (4) cost assessing and collecting revenue; (5) payment of civil list; (6) support of eleemosynary state institutions; (7) compensation of members of legislature and such other purposes not prohibited as may be deemed necessary; legislature not to give priority to succeeding over a preceding item as here enumerated; and not to appropriate for any purpose whatever until "respective sums necessary for the purposes" set forth in the provisions fixing order of appropriations have been set apart and appropriated. (Mo. IV 43.)

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APPROPRIATIONS (*Cont'd*)

AMOUNT

For provisions requiring specification in bills of amounts appropriated, See below, this title, BILLS — CONTENTS — SPECIFICATION OF AMOUNT.

For provisions requiring publication of statement of amounts appropriated by each legislative session, See AUDITOR.

General

No money to be drawn from treasury except by appropriation which specifies in dollars and cents maximum amount which may be drawn under it. (Ark. V 29.)

Each legislature to provide appropriations for expenses of government until end of first fiscal quarter after adjournment of next succeeding regular session. (Ill. IV 18; Nebr. III 19.)

Limited to Revenue

No appropriation to be made or expenditure authorized by legislature whereby state expenditures during fiscal year shall exceed total tax then provided for by law and applicable to such appropriation or expenditure unless legislature, making such appropriation, provides for levying sufficient tax not exceeding limit of rate for state purposes to pay such appropriations or expenditures within such fiscal year; this does not apply to appropriations or expenditures to suppress insurrection, defend state or assist in defending United States in time of war. (Colo. X 16; Ida. VII 11; Mont. XII 12; Utah XIII 9.)

Annual appropriation for ordinary and contingent expenses of government not to exceed revenue authorized to be raised during period for which appropriation made. (Ill. IV 18.)

Appropriations for deficiencies not to exceed "the amount of revenue authorized by law to be raised" in period for which appropriations are made. (Nebr. III 19.)

Increase of

The amount of annual appropriation for ordinary and contingent expenses of government not to be increased without two-thirds vote of members elected to each house. (Ill. IV 18.)

Publication

Auditor to publish amounts of. (Miss. IV 113.)

Contingencies

Legislature may place contingent fund at disposal of executive who shall report at each session amount expended and purposes. (Md. III 32.)

BILLS

For provisions respecting application of initiative and referendum to bills containing, See INITIATIVE AND REFERENDUM.

As to time limit on introduction of bills, See LEGISLATIVE PROCEDURE — INTRODUCTION OF BILLS.

As to introduction of appropriation bills at special sessions, See LEGISLATIVE PROCEDURE.

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APPROPRIATIONS (*Cont'd*)
BILLS (*Cont'd*)
In General
No money to be appropriated except by bill. (Minn. IV 12.)
Not to be made in any private bill. (Ill. IV 16.)
Contents
For provision that bills contain only one subject but excepting general appropriation bills, See LEGISLATIVE PROCEDURE.
General Appropriation Bill
To be for expenses of government only. (Colo. V 19.)
"May embrace various subjects and accounts for and on account of which moneys are appropriated." (Mo. IV 28; Tex. III 35.)
Nothing other than appropriations required to pay salaries of state officers, expenses of government and of institutions under exclusive state control and management. (Cal. IV 29.)
Nothing but appropriations for ordinary expenses of executive, legislative and judicial departments of state. (Ark. V 30.)
Same; with addition of interest on public debt and schools. (Ala. IV 71; Colo. V 32; Miss. IV 69; Mont. V 33; N.D. II 62; Okla. V 56; Pa. III 15; Wyo. III 34.)
Same; with addition of provision for interest on public debt for public schools and for state institutions. (Ariz. IV 20; S.D. XII 2.)
Same; with addition of provision for payment of public debt and interest thereon and support of public institutions and educational interests of state (Ga. III Sec. VII 9.)
Same, with addition of provision for interest and sinking fund payments on public debt, for public schools and other expenses required by existing law. (N.M. IV 16.)
Laws making appropriations for salaries of public officers and other current expenses of state not to contain provisions on any other subject. (Fla. III 30; Ore. IX 7.)
If such bill contain matters other than those authorized by constitution, only so much thereof as is forbidden by constitution to be void. (N.M. IV 16.)
No salary of officer or employee to be increased in such bill and no appropriation therein to be made for such salary unless the employment and amount of salary previously provided for by law. (Ala. IV 71; Okla. V 56.)
To embrace nothing but appropriations for ordinary expenses of government, pensions, public debt and interest thereon, public schools, public roads, public charities and all state institutions. (La. 55.)
Salary Bill
Laws making, for salaries of public officers and other current expenses of state not to contain provisions on any other subject. (Fla. III 30; Ore. IX 7.)

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APPROPRIATIONS (*Cont'd*)

BILLS (*Cont'd*)

Contents (*Cont'd*)

Salary Bill (*Cont'd*)

Bills containing for pay of members and officers of legislature and for salaries of officers of government not to contain provision on any other subject. (Ill. IV 16; Nebr. III 19; W.Va. VI 42.)

Specific Appropriations

All appropriations other than those in general appropriation bill to be by separate bills. (N.M. IV 16.)

All appropriations other than those contained in general appropriation bill to be by separate bill each embracing but one subject. (Ala. IV 71; Ariz. IV 20; Ark. V 30; Colo. V 32; Ga. III Sec. VII 9; La. 55; Miss. IV 69; Mont. V 33; N.D. II 62; Okla. V 56; Pa. III 15; S.D. XII 2; Wyo. III 34.)

Except general appropriation bill not to contain more than one item and that for a single and certain purpose to be expressed therein. (Cal. IV 34.)

Except general appropriation bill appropriation bills to be for single purpose to be expressed therein. (Cal. IV 34.)

Legislation

Legislation not to be engrafted on; but conditions on which money to be drawn and for what purposes paid may be prescribed. (Miss. IV 69.)

"No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation." (N.Y. III 22.)

Specification of Purpose

To be for specific purpose and no appropriation shall be made "under the head or title of contingent, nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund". (La. 56.)

Law making, continuing or reviving appropriation to distinctly specify object to which to be applied and not sufficient to refer to any other law to fix such sum. (Mo. X 19.)

Law making, continuing or reviving to distinctly specify object to which to be applied. (N.Y. III 21; Okla. V 55; Wash. VIII 4.)

No money to be paid from treasury except on appropriation the purpose of which is distinctly stated in the bill. (Ark. V 29.)

Every bill making appropriation to distinctly specify object thereof. (Ill. V 16; Md. III 32; N.M. IV 30; S.C. IV 23.)

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APPROPRIATIONS (*Cont'd*)

BILLS (*Cont'd*)

Contents (*Cont'd*)

Specification of Amount

Every law making appropriations to distinctly specify sum appropriated. (Md. III 32; N.M. IV 30.)

No appropriation bill to be passed which does not fix definitely maximum sum thereby authorized to be drawn from treasury. (Miss. IV 63.)

Law making, continuing or reviving appropriation to distinctly specify sum appropriated and not sufficient to refer to any other law to fix such sum. (Mo. X 19; N.Y. III 21; Okla. V 55; Wash. VIII 4.)

Appropriation bills to specify in distinct items and sections amounts appropriated to each specified purpose. (Ill. V 16; S.C. IV 23.)

Itemizing

General appropriation bill to be "so itemized as to show for what account each and every appropriation shall be made". (La. 55.)

Appropriations for clerical and other expenses of state auditor of public accounts, treasurer and secretary of state to specify each item of appropriation and not to exceed specified limit. (La. 82.)

Quorum for Passage

On bills making, continuing or reviving appropriations three-fifths of members elected to each house required. (N.Y. III 25; Wis. VIII 8.)

Vote Required for Passage

"No law granting a donation, or gratuity, in favor of any person or object" to be enacted except by concurrence of two-thirds of "members elect of each branch" of legislature. (Miss. IV 66.)

Two-thirds of members elected to each house for passage of bills appropriating money to private or local purposes. (Iowa III 31; Mich. V 24; N.Y. III 20; R.I. IV 14.)

Two-thirds of both houses for passage of appropriations except those to raise means for payment of just debts of state, to defray necessary expenses of government, sustain common schools, repel invasion and suppress insurrection. (Ark. V 31.)

Two-thirds of all members of each house for passage of appropriations for purposes other than those required to be made in general appropriation bill. (S.D. XII 2.)

Affirmative vote of majority of members elected to each house for passage of bills making, continuing or reviving appropriation. (Va. IV 50.)

Majority of all members elected to each house. (Ky. 46; Miss. IV 64.)

On appropriations to supply deficiencies, two-thirds of members elected to each house. (Nebr. III 19.)

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APPROPRIATIONS (*Cont'd*)

BILLS (*Cont'd*)

Record of Vote

Ayes and noes to be taken in each house on final passage of appropriation bill. (Tenn. II 21.)

Not to become law unless on passage yeas and nays in each house recorded. (Ga. III Sec. VII 12.)

On final passage in each house of bills making, continuing or reviving, question to be yeas and nays duly entered on journal. (N.Y. III 25; Va. IV 50; Wis. VIII 8.)

Time of Taking Effect

As to the time of taking effect of bills generally, See LEGISLATIVE PROCEDURE.

As to postponement of the taking effect of bills to give time for referendum petition thereon, and the effect of these provisions on appropriation bills, See INITIATIVE AND REFERENDUM.

General appropriation bill immediately upon passage and approval. (N.M. IV 23.)

Veto of Items

Veto of Bills Generally, See LEGISLATIVE PROCEDURE — VETO OF BILLS.

Referendum on Items, See INITIATIVE AND REFERENDUM.

Presentation of Bill to Governor

Bills embracing distinct items of appropriations to be presented to governor before becoming law; items not disapproved to be law. (Okla. VI 12; W.Va. VII 15.)

Power to Veto

Governor may object to one or more items of appropriation bill while approving balance of bill. (Ala. V 126; Ariz. V 7; Ark. VI 17; Cal. IV 16; Colo. IV 12; Del. III 18; Fla. IV 18; Ga. V Sec. I 16; Ida. IV 11; Ill. V 16; Kan. II 14; Ky. 88; La. 77; Md. II 17; Mich. V 37; Minn. IV 11; Miss. IV 73; Mo. V 13; Mont. VII 13; Nebr. V 15; N.J. V 7; N.M. IV 22; N.Y. IV 9; N.D. III 80; Ohio II 16; Okla. VI 12; Pa. IV 16; S.C. IV 23; S.D. IV 10; Tex. IV 14; Utah VII 8; Va. V 76; Wash. III 12; W.Va. VII 15; Wyo. IV 9.)

Status of Items Not Disapproved

To be law. (Ala. V 126; Ark. VI 17; Colo. IV 12; Del. III 18; Fla. IV 18; Ida. IV 11; La. 77; Md. II 17; Mich. V 37; Miss. IV 73; Mont. VII 13; N.M. IV 22; N.D. III 80; Pa. IV 16; S.D. IV 10; W.Va. VII 15; Wyo. IV 9.)

Bill to "become a law as to the residue in like manner as if he had signed it". (Ill. V 16; S.C. IV 23.)

To have force of law "according to the original provisions of the bill". (Okla. VI 12.)

Governor's veto not to affect items to which he does not object. (Va. V 76.)

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APPROPRIATIONS (*Cont'd*)

BILLS (*Cont'd*)

Veto of Items (*Cont'd*)

Status of Disapproved Items

To be void unless repassed. (Ala. V 126; Ariz. V 7; Ark. VI 17; Cal. IV 16; Colo. IV 12; Del. III 18; Fla. IV 18; Ga. V Sec. I 16; Ida. IV 11; Kan. II 14; Ky. 88; La. 77; Md. II 17; Mich. V 37; Minn. IV 11; Mo. V 13; Mont. VII 13; Nebr. V 15; N.J. V 7; N.M. IV 22; N.Y. IV 9; N.D. III 80; Okla. VI 12; Pa. IV 16; S.D. IV 10; Tex. IV 14; Utah VII 8; Wash. III 12; W.Va. VII 15; Wyo. IV 9.)

Method of Indicating Disapproval

At time of signing appropriation bill, governor to append statement of items objected to. (Minn. IV 11; Mo. V 13; N.J. V 7; N.Y. IV 9; Tex. IV 14.)

At time of signing appropriation bill, governor to append statement of items objected to and his reasons. (Ariz. V 7; Cal. IV 16; Kan. II 14; Utah VII 8; Wash. III 12.)

Governor to "state specifically" in writing items he disapproves "setting the same out in full in his message". (Ala. V 126.)

Communication of Disapproval to Legislature

Governor to return bill to originating house with his objections to items not approved. (Ill. V 16; S.C. IV 23.)

If legislature in session governor to transmit to originating house copy of his statement of disapproved items. (Minn. IV 11; Mo. V 13; N.J. V 7; N.Y. IV 9; Tex. IV 14.)

If legislature in session, governor to transmit copy of disapproved items to originating house with his objections thereto. (Colo. IV 12; N.D. III 80; S.D. IV 10; Wyo. IV 9.)

If legislature in session, governor to send within five days to originating house copy of items disapproved with his objections. (Ida. IV 11; Mont. VII 13.)

Governor to communicate to originating house his disapproval of items and reasons therefor. (Okla. VI 12; W.Va. VII 15.)

If legislature in session, governor to transmit to originating house copy of his statement of items objected to and reasons therefor. (Cal. IV 16.)

Governor to transmit to lower house copy of his statement of items objected to and his reasons therefor. (Kan. II 14.)

Governor to set out in full in his message the items he disapproves "but in such case the enrolled bill shall not be returned with the governor's objections". (Ala. V 126.)

Communication of Disapproval to Secretary of State

If legislature not in session governor to transmit copy of statement of items objected to within 30 days to secretary of state "with his approval or reasons for disapproval". (Mo. V 13.)

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APPROPRIATIONS (*Cont'd*)

BILLS (*Cont'd*)

Veto of Items (*Cont'd*)

Entry on Legislative Journals

Governor's objections to items not approved to be entered on journal of originating house which shall then proceed to reconsider disapproved portions of bill. (Ill. V 16; S.C. IV 23.)

Separate Reconsiderations

Disapproved items to be separately reconsidered. (Cal. IV 16; Colo. IV 12; Ida. IV 11; Minn. IV 11; Mo. V 13; Mont. VII 13; N.J. V 7; N.Y. IV 9; N.D. III 80; S.D. IV 10; Tex. IV 14; Wyo. IV 9.)

Application General Veto Provisions

Same proceedings to be had in both houses on reconsideration of disapproved items as in case of entire bill returned by governor with his objections. (Ill. V 16; S.C. IV 23.)

Disapproved items to be repassed according to rules and limitations prescribed for passage of other bills over governor's veto. (Ala. V 126; Ark. VI 17; Del. III 18; Fla. IV 18; La. 77; Md. II 17; Mich. V 37; Okla. VI 12; Pa. IV 16; W.Va. VII 15.)

Items disapproved by governor to be repassed over his veto as in case of other vetoed bills. (Ariz. V 7; Cal. IV 16; Ky. 88; Md. II 17; Nebr. V 15; N.M. IV 22; Ohio II 16; Utah VII 8; Wash. III 12.)

Provisions of constitution relating to vetoed bills to apply to vetoed items. (Minn. IV 11; N.J. V 7; N.Y. IV 9.)

Each item to take same course as prescribed for repassage of bills over governor's veto. (Colo. IV 12; Ida. IV 11; Mont. VII 13; N.D. II 80; S.D. IV 10; Wyo. IV 9.)

Items objected to by governor not to take effect except in manner provided by constitution as to bills returned by governor to legislature without his approval. (Va. V 76.)

Vote Required for Repassage

As to vote for repassage of vetoed bills generally, See LEGISLATIVE PROCEDURE — PASSAGE OVER VETO.

Majority of each house. (W.Va. VII 15.)

Majority of members elected to each house. (N.J. V 7.)

Two-thirds of each house. (Ga. V Sec. I 16; S.C. IV 23.)

Two-thirds of members present of each house. (Tex. IV 14.)

Two-thirds of members elected to each house. (Ill. V 16; Kan. II 14; Minn. IV 11; N.Y. IV 9.)

A two-thirds vote; but this not to relieve emergency bills of the requirement of a three-fourths vote. (Okla. VI 12.)

Certificate of Repassage

Presiding officers of each house to certify on bill the fact of reconsideration and approval. (Kan. II 14.)

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APPROPRIATIONS (*Cont'd*)
BILLS (*Cont'd*)
Veto of Items (*Cont'd*)
Status After Repassage
Item repassed to be part of law notwithstanding governor's objection. (Ill. V 16; Kan. II 14; N.J. V 7; N.Y. IV 9; S.C. IV 23; Tex. IV 14.)
Disapproval After Adjournment
If appropriation bill containing several items be presented to governor less than 10 days, Sundays excepted, prior to adjournment, and be in governor's hands time of adjournment, he has 20 days from such adjournment within which to file objection to any item thereof and make proclamation of same; "and such item or items not to take effect". (Tex. IV 14.)
PERIOD EFFECTIVE
Limitation on Time of Payment
To be made within two years "next after passage" of appropriating act. (N.Y. III 21.)
To be made, or warrant issued therefor, within two years after passage of appropriating act. (Mo. X 19.)
To be made within two years from May 1st next after passage of appropriating act. (Wash. VIII 4.)
To be made within two and one-half years after passage of appropriating act. (Okla. V 55.)
Limitation on Life of Appropriating Act
Not to continue in force "more than six months after the meeting of the legislature at its next regular session". (Miss. IV 64.)
All appropriations general or special requiring money to be paid out of state treasury from state funds to end at the termination of the fiscal quarter after the adjournment of the next regular session. (Ill. IV 18.)
"Shall end" with fiscal quarter after expiration of next succeeding regular session. (Nebr. III 19.)
Limitation on Passage of Appropriating Act
Not to be made for longer term than two years. (Ark. V 29; Kan. II 24; La. 45; Mont. XII 12; Ohio II 22; Tex. VIII 6.)
Appropriation not to be made which is payable more than two years after end of session at which enacted. (Va. XIII 186.)
Appropriation for support of militia not to be for longer period than two years. (Iowa I 14; Nev. I 11.)
Appropriation for support of militia not to be made for a longer term than one year. (Ala. I 27.)
TRANSFERS
No money to be diverted from any appropriation by joint or separate resolution. (Ill. IV 17; Nebr. III 22.)
ARBITRATION
Legislature to provide for deciding difference by. (La. 176.)
Legislature to provide for deciding differences by when parties elect. (Tex. XVI 13.)

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ARBITRATION (*Cont'd*)

Legislature to provide for deciding differences by; arbitrators to be appointed by parties who may choose that mode of adjustment. (Colo. XVIII 3; Ky. 250; S.C. VI 1.)

Legislature to provide for deciding differences by; arbitrators to be appointed by petition when parties elect. (S.C. VI 1.)

Courts of, *See* COURTS.

In labor disputes, *See* LABOR.

Arbitrators, *See* COURTS.

ARMS

BEARING ALLOWED

Right of people to bear arms not to be infringed. (Ga. I Sec. I 22; La. 8; N.C. I 24; R.I. I 22; S.C. I 26.)

Citizens have right to bear arms for common defense. (Ark. II 5; Me. I 16; Tenn. I 26.)

Same; "people" instead of "citizens". (Mass. Pt. I 17.)

Citizens have right to bear arms in defense of state. (Ala. I 26; Ariz. II 26; Conn. I 17; Ky. 1; Mich. II 5; Pa. I 21; S.D. VI 24; Tex. I 23; Wash. I 24; Wyo. I 24.)

Same; "people" instead of "citizens". (Fla. D.R. 20; Ind. I 32; Ore. I 27; Vt. I 16.)

Right of citizen to bear arms in aid of civil power when legally summoned not to be questioned. (Miss. III 12; Mo. II 17; Okla. II 26.)

Same; "person" instead of "citizen". (Colo. II 13; Mont. III 13.)

Every citizen to have right to bear arms in defense of himself. (Ala. I 26; Ariz. II 26; Conn. I 17; Ky. 1; Miss. III 12; Mo. II 17; N.M. II 6; Okla. II 26; Pa. I 21; S.D. VI 24; Tex. I 23; Wash. I 24; Wyo. I 24.)

Same; "people" instead of "citizen". (Colo. II 13; Fla. D.R. 20; Ida. I 11; Ind. I 32; Kan. B.R. 4; Mich. II 5; Mont. III 13; Ohio I 4; Ore. I 27; Utah I 6; Vt. I 16.)

Rights of citizen to bear in defense of his home, not to be questioned. (Miss. III 12; Mo. II 17; Okla. II 26.)

Same; "person" instead of "citizen". (Colo. II 13; Mont. III 13.)

Rights of citizen to bear in defense of his property, not to be questioned. (Miss. III 12; Mo. II 17; Okla. II 26.)

Same; "person" instead of "citizen". (Colo. II 13; Mont. III 13.)

KEEPING ALLOWED

Right of people to keep arms not to be infringed. (Ga. I Sec. I 22; La. 8; N.C. I 24; R.I. I 22; S.C. I 26.)

Citizens have right to keep arms in defense of state. (Tex. I 23.)

Citizens to have right to keep arms for the common defense. (Ark. II 5; Me. I 16; Tenn. I 26.)

Same; "people" instead of "citizens". (Mass. Pt. I 17.)

Right of citizen to keep arms in defense of himself not to be questioned. (Miss. III 12; Mo. II 17; Okla. II 26; Tex. I 23.)

Same; "person" instead of "citizen". (Colo. II 12; Mont. III 13.)

Right of citizen to keep in defense of his home, not to be questioned. (Miss. III 12; Mo. II 17; Okla. II 26.)

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ARMS (*Cont'd*)

KEEPING ALLOWED (*Cont'd*)

Same; "person" instead of "citizen". (Colo. II 13; Mont. III 13.)

Right of citizen to keep in defense of his property not to be questioned. (Miss III 12; Mo. II 17; Okla. II 26.)

Same; "person" instead of "citizen". (Colo. II 13; Mont. III 13.)

MANNER OF WEARING

Legislature may prescribe. (Fla. D.R. 20; Ga. I Sec. I 22; Okla. II 26; Utah I 6.)

Legislature shall regulate this right. (Ida. I 11.)

Legislature may regulate carrying of arms to prevent crime. (Tenn. I 26; Tex. I 23.)

Carrying concealed weapons not justified by right to bear arms. (Colo. II 13; Mo. II 17; Mont. III 13; N.M. II 6; N.C. I 24.)

Legislature may regulate the carrying of concealed weapons. (Okla. II 26.)

Legislature may regulate or forbid carrying of concealed weapons. (Ky. B.R. 1; Miss. III 12.)

Legislature may enact penal statutes against practice of carrying concealed weapons. (N.C. I 24.)

Laws may be passed punishing those carrying concealed weapons. (La. 8.)

IMPORTATION OR EMPLOYMENT OF ARMED MEN, *See* POLICE.

ARMY, *See* STANDING ARMY.

ARRESTS

See CRIMES.

Exemptions from

See ELECTIONS — PRIVILEGES OF ELECTORS.

See LEGISLATURE — MEMBERS.

See MILITIA

ASSEMBLY, RIGHT OF

RIGHT OF CITIZENS

Citizens have right, in peaceable manner, to assemble together for common good; and to apply to those invested with powers of government for redress of grievance or other purposes, by petition, address or remonstrance. (Ala. I 25; N.D. I 10; R.I. I 21; Tex. I 27.)

Same; adds "proper" before "purposes". (Conn. I 16; Pa. I 20.)

Citizens have right in orderly manner to meet together, and to apply to persons intrusted with powers of government, for redress of grievances or other proper purposes, by petition, remonstrances or address. (Del. I 16.)

Citizens have right, in peaceable manner, to assemble together for common good, to instruct their representatives, and to apply to those invested with powers of government for redress of grievances, or other proper purposes, by addresses or remonstrance. (Tenn. I 23.)

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ASSEMBLY, RIGHT OF (*Cont'd*)

RIGHT OF PEOPLE

Right of petition, and of people peaceably to assemble for common good, never to be abridged. (Ariz. II 5.)

Right of people peaceably to assemble to consult for common good, and to petition, by address or remonstrance, government, or any department thereof, not to be abridged. (Ark. II 4.)

People to have right to freely assemble together to consult for common good, to instruct their representatives, and to petition legislature for redress of grievances. (Cal. I 10.)

People have right peaceably to assemble for common good, and to apply to those invested with powers of government for redress of grievances, by petition or remonstrance. (Colo. II 24.)

People have right to assemble together to consult for common good, to instruct their representatives, and to petition legislature for redress of grievances. (Fla. D.R. 15.)

People have right to assemble peaceably for common good, and to apply to those vested with powers of government for redress of grievances by petition or remonstrance. (Ga. I Sec. I 24.)

People have right to assemble in peaceable manner to consult for common good; to instruct their representatives, and to petition legislature for redress of grievances. (Ida. I 10.)

People have right to assemble in peaceable manner to consult for common good, to make known their opinions to their representatives, and to apply for redress of grievances. (Ill. II 17.)

No law to restrain any of inhabitants of state from assembling together, in peaceable manner, to consult for common good; nor from instructing their representatives; nor from applying to legislature for redress of grievances. (Cal. I 10.)

People have right freely to assemble together to counsel for common good; to make known their opinions to their representatives, and to petition for redress of grievances. (Iowa I 20.)

People have right to assemble in peaceable manner, to consult for common good, to instruct their representatives, and to petition government, or any department thereof, for redress of grievances. (Kan. B.R. 3.)

Men have right of assembling together in peaceable manner for common good, and of applying to those invested with power of government for redress of grievances or other proper purposes, by petition, address or remonstrance. (Ky. 1.)

People have right peaceably to assemble and apply to those invested with powers of government for redress of grievances by petition or remonstrance. (La. 5.)

People have right at all times in orderly and peaceable manner to assemble to consult upon common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances. (Me. I 15.)

Every man hath right to petition legislature for redress of grievances in peaceful and orderly manner. (Md. D.R. 13.)

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ASSEMBLY, RIGHT OF (*Cont'd*)

RIGHT OF PEOPLE (*Cont'd*)

People have right, in orderly and peaceable manner, to assemble to consult upon common good; give instructions to their representatives, and to request of legislative body, by way of addresses, petitions or remonstrances, redress of wrongs done them, and of grievances they suffer. (Mass. Pt. I 19.)

People have right peaceably to assemble, to consult for common good, to instruct their representatives, and to petition legislature for redress of grievances. (Mich. II 2.)

Right of people to assemble and petition the government on any subject shall never be impaired. (Miss. III 11.)

People have right peaceably to assemble for common good, and to apply to those invested with powers of government for redress of grievances by petition or remonstrance. (Mo. II 29.)

People have right peaceably to assemble for common good, and to apply to those invested with powers of government for redress of grievances by petition or remonstrance. (Mont. III 26.)

Right of people, peaceably to assemble to consult for common good, and to petition government, or any department thereof, shall never be abridged. (Nebr. I 19.)

People have right freely to assemble together to consult for common good, to instruct their representatives, and to petition legislature for redress of grievances. (Nev. I 10.)

People have right, in orderly and peaceable manner, to assemble and consult upon common good, give instructions to their representatives, and to request of legislative body, by way of petition or remonstrance, redress of wrongs done them, and of grievances they suffer. (N.H. I 32.)

People have right freely to assemble together to consult for common good, to make known their opinions to their representatives, and to petition for redress of grievances. (N.J. I 18.)

No law to be passed abridging right of people peaceably to assemble and to petition the government, or any department thereof. (N.Y. I 9.)

People have right to assemble together to consult for common good, to instruct their representatives, and to apply to legislature for redress of grievances. But secret political societies are dangerous to liberties of a free people, and should not be tolerated. (N.C. I 25.)

People have right to assemble together, in peaceable manner, to consult for common good; to instruct their representatives, and to petition legislature for redress of grievances. (Ohio I 3.)

People have right peaceably to assemble for own good, and to apply to those invested with powers of government for redress of grievances by petition, address or remonstrance. (Okla. II 3.)

No law to be passed restraining any of inhabitants of state from assembling together in peaceable manner to consult for common good; nor from instructing their representatives; nor from applying to legislature for redress of grievances. (Ore. I 26.)

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ASSEMBLY, RIGHT OF (*Cont'd*)

RIGHT OF PEOPLE (*Cont'd*)

Legislature to make no law abridging right of people peaceably to assemble and to petition government, or any department thereof, for redress of grievances. (S.C. I 4.)

Right of petition, and of people peaceably to assemble to consult for common good and make known their opinions, shall never be abridged. (S.D. VI 4.)

Men have right to assemble peaceably, protest against wrongs, and petition for redress of grievances. (Utah I 1.)

People have right to assemble together to consult for common good, to instruct their representatives, and to apply to legislature for redress of grievances, by address, petition or remonstrance. (Vt. I 20.)

Right of petition, and of people peaceably to assemble for common good, shall never be abridged. (Wash. I 4.)

Right of people to assemble in peaceable manner, to consult for common good, to instruct their representatives, or to apply for redress of grievances, shall be held inviolate. (W.Va. III 16.)

Right of people peaceably to assemble, to consult for common good, and to petition government, or any department thereof, shall never be abridged. (Wis. I 4.)

Right of petition, and of people peaceably to assemble to consult for common good, and to make known their opinions, shall never be denied nor abridged. (Wyo. I 21.)

ASSESSMENTS FOR BENEFITS, *See* TAXATION — SPECIAL ASSESSMENTS.

ASSUMPTION OF RISK

See INJURIES.

See LABOR — EMPLOYER'S LIABILITY.

ATTAINDER

Bills of prohibited. (Ariz. II 25; Ark. II 17; Cal. I 16; Fla. D.R. 17; Ga. I Sec. III 2; Ida. I 16; Iowa I 21; Me. I 11; Mich. II 9; Minn. I 11; Nebr. I 16; Nev. I 15; N.J. IV Sec. VII 3; N.M. II 19; N.D. I 16; Okla. II 15; S.C. I 8; Tex. I 16; Utah I 18; Va. IV 58; Wash. I 23; W.Va. III 4; Wis. I 12.)

No person to be attainted of treason by legislature. (Ala. I 19; Wyo. I 26.)

No person to be attainted of treason or felony by legislature. (Colo II 9; Conn. I 15; Ky. 20; Mass. Pt. I 25; Mont. III 9; Pa. I 18; S.D. VI 22.)

No person ought to be declared guilty of treason by legislature. (Vt. II 56.)

No law to attaint particular persons of treason or felony ought to be passed. (Md. D.R. 18.)

Not to work corruption of blood or forfeiture of estates. (Ida. V 5; Me. I 11; N.C. IV 5.)

Not to work corruption of blood; or forfeiture of estate, except during life of offender. (Ky. 20; Pa. I 19; Del. I 15.)

Conviction of crime not to work corruption of blood or forfeiture of estate, See CRIMES — PUNISHMENT.

Effect of conviction of treason, See TREASON.

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ATTORNEY-GENERAL

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title "PUBLIC OFFICERS".

APPOINTMENT

By legislature or judges, *See below, this title,* ELECTION.

By governor with advice and consent of senate. (N.J. VII Sec. II 4.)

By governor with advice and consent of two-thirds of all members of senate. (Pa. IV 8.)

By governor and council; nomination to be made at least three days prior to appointment and majority of council necessary to appointment. (N.H. II 45.)

ASSISTANTS

May appoint and remove two assistant attorneys-general for state; to have same qualifications as attorney-general and to perform duties assigned to them by attorney-general and to receive salary of $4,000 and of $3,500. (La. 97.)

May appoint deputies or assistants as may be prescribed by law. (Md. V 3.)

No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)

Governor not to employ additional counsel in any case unless authorized by legislature. (Md. V 3.)

BOND

Of not less than double amount of money that may come into hands, and not less than $50,000; sureties, and approval "thereof", and increase of penalties, as may be prescribed by law. (Nebr. V 25.)

COMPENSATION

Salary

As to whether salary fixed may be changed by law, *See below, this subdivision,* INCREASE OR DECREASE.

To be fixed by law. (Ala. V 118; Colo. IV 19; Ill. V 23; Kan. I 15; Ky. 96; Minn. V 5; Miss. VI 173; Mo. V 24; N.Y. V 1; N.C. III 15; Ohio III 19; Okla. VI 34; S.C. IV 24, V 28; Va. VI 107; W.Va. VII 19; Wis. VI 3.)

Fixed at $1,000. (S.D. XXI 2.)

Fixed at $1,500. (Fla. IV 29; Utah VII 20.)

Fixed at $2,000. (Ark. Sched. 28; Ida. IV 19; Nebr. V 24; N.D. III 84; Wash. III 21.)

Fixed at $2,000 "and no more", besides such fees as may be prescribed by law, not over $2,000. (Tex. IV 22.)

Not to exceed $2,000. (Ga. VI Sec. XIII 1.)

Fixed at $2,500. (Ariz. V 13.)

Fixed at $3,000. (Md. V 3; Mont. VII 4.)

Fixed at $4,000. (N.M. V 12; Okla. Sched. 15.)

Fixed at $5,000. (La. 97; Mich. VI 21.)

Fixed at $6,000. (Cal. V 19.)

Acting as governor, same as governor. (Ala. V 129.)

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ATTORNEY-GENERAL (*Cont'd*)

COMPENSATION (*Cont'd*)

Increase or Decrease

In General

Allowed. (Ariz. V 13; Ida. IV 19; Md. V 3; Mont. VII 4; N.D. III 84; Okla. Sched. 15; Utah VII 20.)

Allowed after eight years from adoption of constitution. (Fla. IV 29.)

Allowed after ten years from date of admission as state. (N.M. V 12.)

Allowed, but not to exceed $2,500. (Ark. XIX 11.)

Increase allowed, but total not to exceed $3,500. (Wash. III 21.)

Salary not to exceed $2,000, but legislature may change by two-thirds vote of each branch. (Ga. VI Sec. XIII 1, 2.)

Increase prohibited. (Mich. VI 21; S.D. XXI 2.)

May be diminished, but not increased. (Cal. V 19.)

During Term

Increase during term of office prohibited. (Mont. VII 4.)

Prohibited during official term. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; W.Va. VII 19.)

Prohibited during period for which elected. (Ala. V 118; Cal. V 19; Kan. I 15; N.Y. V 1; N.C. III 15; N.D. III 84; Ohio III 19; Okla. VI 34; S.C. IV 24.)

Prohibited to extent that it affects salary during term. (Ida. IV 19, V 27.)

Prohibited to extent that it affects salary during term, unless vacancy occurs, in which case successor to receive only salary provided by law at time of election or appointment. (Utah VII 20.)

Change in salary not to affect officer then in commission. (Ga. VI Sec. XIII 2.)

Compensation Other Than Salary

Fees as prescribed by law, not over $2,000. (Tex. IV 22.)

Emolument or allowance other than salary, prohibited, (N.C. III 15.)

Salary to be in full payment for all services rendered. (N.M. V 12.)

Salary to be in full for all services rendered in official capacity or employment during term of office. (Cal. V 19; Ida. IV 19; Mont. VII 4; Utah VII 20.)

Compensation limited to salary. (Ala. V 137; Ark. XIX 11; Ill. V 23; Ky. 96; Mo. V 24; Nebr. V 24; N.M. V 12; N.Y. V 1; Okla. VI 34; W.Va. VII 19.)

Not to receive additional compensation beyond salary for services rendered state in connection with internal improvement fund or other interests belonging to state. (Fla. IV 29.)

Fees for performance of duties not to be received. (Ida. IV 19; Mont. VII 4; N.M. V 12; Utah VII 20.)

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ATTORNEY-GENERAL (*Cont'd*)
COMPENSATION (*Cont'd*)
Compensation Other Than Salary (*Cont'd*)
Fees or perquisites for performance of duties not to be received. (Ala. V 137; Ark. XIX 11; Cal. V 19; Ill. V 23; Md. V 3; Mich. VI 21; Mo. V 24; Nebr. V 24; N.Y. V 1; Ga. VI Sec. XIII 1; Okla. VI 34; S.D. XXI 2; W.Va. VII 19.)
Fees or perquisites for performance of duty connected with office or for performance of additional duty imposed by law not to be received. (Nev. XVII 5.)
Costs not to be received. (Ala. V 137; Ark. XIX 11; Ill. V 23; Mo. V 24; Nebr. V 24; Okla. VI 34; W.Va. VII 19.)
Interest on public moneys in hands or under control, not to be received to own use. (Nebr. V 24.)
Rewards in addition to salary prohibited. (Md. V 3.)
Payment into treasury, *See below, this title,* FEES.
Expenses
Legislature may provide for actual and necessary expenses while traveling in state in performance of official duty. (Ida. IV 19; Utah VII 20.)
Legislature may provide for payment of actual or necessary expenses incurred while in performance of official duty. (Ida. V 27.)
Payment
Monthly on own warrant. (La. 97.)
Quarterly. (Ida. IV 19; Mont. VII 4; Nev. XVII 5; N.M. V 12; Utah VII 20.)
DEPUTIES, *See above, this title,* ASSISTANTS.
DUAL OFFICE HOLDING, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.
ELECTION
Under this subhead are digested those provisions which specifically refer to this officer; for provisions relating to elections in general, See the title "ELECTIONS"; *for provisions allowing the legislature to establish offices and provide for their election or appointment, See the title* "PUBLIC OFFICERS".
Electors
Qualified electors of state. (Ala. V 114; Ark. VI 3; Colo. IV 3; Del. III 21; Ga. VI Sec. X 1; Ida. IV 2; Kan. I 1; Ky. 91; La. 79, 97; Md. V 1; Minn. V 1; Mont. VII 2; N.C. III 1; N.D. III 82; Ohio III 1; S.C. IV 24, V 28; S.D. IV 12; Tex. IV 2; Utah VII 2; Va. VI 107; Wis. VI 1.)
Same as for governor. (Cal. V 17; Mass. Amend. 17; Miss. VI 173; Nev. V 19.)
Legislature to provide for election by people. (Iowa V 12.)
Judges of highest court. (Tenn. VI 5.)
Joint vote of legislature. (Me. IX 11.)
Time and Places
As prescribed by law. (W.Va. VII 2.)
Same as for governor. (Cal. V 17; Fla. IV 20; Ga. VI Sec. X 1; Mass. Amend. 17; Miss. VI 173; Nev. V 19; N.Y. V 1, 2; Va. VI 107.)

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ATTORNEY-GENERAL (*Cont'd*)

ELECTION (*Cont'd*)

Time and Places (*Cont'd*)

Same as for members of legislature. (Ala. V 114; Ark. VI 3; Ida. IV 2; Kan. I 1; Mont. VII 2; N.C. III 1; N.D. III 82; S.D. IV 12; Tex. IV 2; Utah VII 2; Wis. VI 1.)

Same as for members of lower house. (La. 79.)

Biennially. (Me. IX 11.)

At general election. (Colo. IV 3; Del. III 21; N.Y. V 1, 2.)

At general biennial election. (Mich. VI 1.)

At general election in 1876 and every four years thereafter. (Mo. V 2.)

Tuesday after first Monday in November, at places for voting for members of legislature. (Ohio III 1.)

On Tuesday after first Monday in November, 1867, and every fourth year thereafter. (Md. V 1.)

Tuesday after first Monday in November, 1872, and every four years thereafter. (Ill. V 3.)

Tuesday after first Monday in November, 1876, and biennially thereafter. (Nebr. V 1.)

At same time as governor, on first Tuesday after first Monday in November, 1895, and every four years thereafter. (Ky. 91, 95.)

At town, ward and district meetings on Tuesday after first Monday in November, 1912, and biennially. (R.I. Amend. XVI.)

Returns and Canvass

Contested elections, *See below, this subdivision*, CONTESTED ELECTIONS.

Election in case of tie vote, *See below, this subdivision*, TIE VOTE.

Returns made in manner prescribed by law. (Ida. IV 2; Mont. VII 2.)

Same as for governor. (Cal. V 17; Ga. V Sec. X 1; Mass. Amend. 17; Miss. VI 173; Nev. V 19.)

Fact of election ascertained in same manner as governor. (Va. VI 107.)

Returns transmitted to governor, who decides on election and qualifications. (Md. V 2.)

Majority vote necessary to choice. (Ga. V Sec. I 5, VI Sec. X 1.)

Majority of electoral votes and also majority of popular vote necessary to choice. (Miss. VI 173, V 140.)

Specific provisions appear in constitution, but since same as for election of governor, are not repeated here, *See* GOVERNOR — ELECTION. (Ala. V 115; Ark. VI 3; Colo. IV 3; Ill. V 4; Kan. I 2; Minn. V 2; Mo. V 3; Nebr. V 4; N.C. III 3; Ohio III 3, 4; Tex. IV 3; Wash. III 4; W.Va. VII 3.)

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ATTORNEY-GENERAL (*Cont'd*)
ELECTION (*Cont'd*)
Failure to Elect
Legislature, on organization, to meet in joint convention and elect, by majority vote, person to fill office, who shall serve for full term and until successor elected and qualified. (R.I. Amend. XI 3, 7.)
Failure to receive highest number of votes, *See below, this subdivision,* THE VOTE.
Contested Elections.
Procedure in case of tie vote, *See below, this subdivision,* THE VOTE.
Determined as prescribed by law. (Ida. IV 2; Mo. V 25; Mont. VII 2.)
Decided by governor. (Md. V 2.)
Determined by both houses of legislature in joint session. (Tex. IV 3.)
Determined by legislature in manner prescribed by law. (Ala. V 115; Ga. V Sec. I 6, VI Sec. X 1; Wash. III 4.)
Determined by both houses of legislature by joint ballot in manner prescribed by law. (Colo. IV 3; Ill. V 4; Nebr. V 4; N.C. III 3.)
Determined by members of both houses in joint session at first session of legislature after election in which contest arises. (Ark. VI 4.)
Contest concerning vote of county or district to be decided by majority of whole number of members of lower house by a *viva voce* vote recorded in journal. (Miss. V 140, VI 173.)
Tie Vote
Governor to designate which person to qualify. (Md. V 2.)
Legislature at next regular session to elect forthwith by joint vote one of persons in tie. (Ariz. V 1; Ida. IV 2; Mont. VII 2; Utah VII 2.)
Legislature by joint vote to elect one of persons in tie. (Cal. V 4, 17; Colo. IV 3; Ill. V 4; Kan. I 2; Mo. V 3; Nebr. V 4; Nev. V 4, 19; N.C. III 3; Ohio III 3; Wash. III 4; W.Va. VII 3.)
Legislature by joint vote to elect one of persons in tie; majority vote necessary to choice. (R.I. Amend. XI 3, 7.)
Legislature by joint vote to elect one of persons in tie; majority of members elected necessary to choice. (Ark. VI 3.)
Legislature by joint vote without delay to elect one of persons in tie. (Ala. V 115; Tex. IV 3.)
Legislature on second day of session by joint vote to elect without debate one of persons in tie. (Conn. Amend. XXX.)
If failure to elect, or if person elected dies, legislature on or before third Wednesday in January thereafter, to choose by joint ballot, one of persons in tie. (Mass. Amend. 17.)
If no person has majority, legislature immediately to elect one of two persons having highest vote; election by *viva voce* vote, and majority of members present necessary to choice. (Ga. V Sec. I 5, VI Sec. X 1.)

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ATTORNEY-GENERAL (*Cont'd*)

ELECTION (*Cont'd*)

Tie Vote (*Cont'd*)

If no person receives majority of electoral votes and also majority of popular vote, lower house elects one of two persons having highest number of popular votes. Election by *viva voce* vote recorded in journal. (Miss. V 141, VI 173.)

Election to Fill Vacancy, *See below, this title,* VACANCY IN OFFICE.

EXPENSES, *See above, this title,* COMPENSATION.

FEES

As to whether fees may be received, *See above, this title,* COMPENSATION — COMPENSATION OTHER THAN SALARY.

Fees and profits to be covered into treasury. (N.D. III 84.)

Fees payable by law to be paid in advance into treasury. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; Nebr. V 24; W.Va. VII 19.)

Fees payable by law to be collected in advance and deposited with treasurer quarterly to credit of state. (Ida. IV 19; Mont. VII 4; Utah VII 20.)

Fees payable by law to be paid at once into treasury. (Ala. V 137.)

Fees collected to be covered into treasury. (Ky. 93.)

IMPEACHMENT

See also IMPEACHMENT.

For wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics, or offense involving moral turpitude in office. (Ala. VII 173.)

For misdemeanor in office. (Cal. IV 18.)

For "high crimes and misdemeanors, for non-feasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness". (La. 217.)

For corrupt conduct in office or for crimes and misdemeanors. (Minn. XIII 1.)

For high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office. (Mo. VII 1.)

May be impeached. (Tex. XV 2.)

For malfeasance in office, corruption, neglect of duty or other high crime or misdemeanor. (Va. IV 54.)

OATH OF OFFICE

Form prescribed, affirmation allowed. (Minn. V 8.)

Administered by governor. (Md. V 2.)

Administered by governor or justice of highest court. (R.I. IX 5.)

OFFICE AND PUBLIC RECORDS

Office to be kept at seat of government. (Ariz. V 1; Ark. VI 1; Kan. Sched. 6; Mich. VI 1; N.D. III 82; Okla. VI 1; S.D. IV 12.)

Office to be kept at seat of government, but in case of invasion or violent epidemics, governor may direct office to be removed temporarily to other place. (Fla. XVI 10.)

Public records to be kept at seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Mo. V 1; Mont. VII 1; N.M. V 1; Okla. VI 1; Utah VII 1; Wash. III 24.)

Seal of office to be kept at seat of government. (N.M. V 1.)

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ATTORNEY-GENERAL (*Cont'd*)

POWERS AND DUTIES

Succession to governorship, *See* GOVERNOR.

As prescribed by law. (Ala. V 137; Ark. VI 22; Fla. IV 22; Ga. VI Sec. X 2; Ill. V 1; Ky. 91, 93; Md. V 3; Mich. VI 1; Minn. V 5; Mo. V 1; Nev. V 22; N.Y. V 6; N.C. III 13; N.D. III 83; R.I. VII 12; S.C. IV 24, V 28; S.D. IV 13; Tex. IV 22; Utah VII 18; Va. VI 107; Wash. III 21; W.Va. VII 1; Wis. VI 3.)

As prescribed by constitution or by law. (Ariz. V 1, 9; Ida. IV 1; Mont. VII 1; Okla. VI 1; Utah VII 1.)

Conservator of peace throughout state. (Del. XV 1.)

Information in writing when required by governor on question of law affecting official duties of governor. (Va. V 74.)

Opinion in writing to governor and other executive officer when requested. (Tex. IV 22.)

Opinion in writing when required by legislature, or either house, governor, comptroller or state's attorney. (Md. V 3.)

Legal adviser of state officers. (Utah VII 18; Wash. III 21.)

Legal adviser of executive department. (Ga. VI Sec. X 2; N.C. III 14.)

Legal adviser of governor and of officers of executive department. (Fla. IV 22.)

Reporter of highest court. (Fla. IV 22; W.Va. VII 1.)

Reporter for the state. (Tenn. VI 5.)

Represent state in highest court in capital felonies. (Ga. VI Sec. X 2.)

Represent state in all civil and criminal cases in any court when required by governor. (Ga. VI Sec. X 2.)

Prosecute and defend cases in which state interested in court of appeals or in supreme court of United States. (Md. V 3.)

Aid state's attorney in prosecuting suit by state in any court of state, and prosecute or defend any suit on part of state which legislature or governor shall direct to be prosecuted or defended. (Md. V 3.)

To represent state in suits in highest court. (Tex. IV 22.)

Corporations, inquire into charter rights and take action in courts to prevent from exercising power or collecting taxes, tolls, freight or wharfage not authorized by law, and seek forfeiture of charter. (Tex. IV 22.)

Superintend office in person. (Mich. VI 1.)

QUALIFICATIONS AND DISQUALIFICATIONS

Admission to Bar

Must have been practicing lawyer for five years. (Miss. VI 173, V 154.)

Must have practiced law for seven years before election. (Ga. VI Sec. XIV 1.)

Must have been practicing lawyer eight years before election. (Ky. 92.)

Must have been practicing lawyer in state for ten years. (Md. V 4.)

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ATTORNEY-GENERAL (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Admission to Bar (*Cont'd*)

Must be admitted to bar of highest court, and be in good standing. (Colo. IV 4; N.M. V 3.)

Must be admitted to bar of highest court, and be in good standing at time of election. (Ida. IV 3; Mont. VII 3; Utah VII 3.)

Must be learned in law and have practiced law as licensed attorney in state for five years preceding election. (La. 97.)

Must be learned in the law. (S.D. V 24, 25.)

Age

Twenty-five years. (Ariz. V 2; Colo. IV 4; Mo. V 19; N.D. III 82.)

Twenty-five years at beginning of term. (W.Va. IV 4.)

Twenty-five years at time of election. (Ala. V 132; S.D. V 24, 25; Utah VII 3.)

Twenty-six years. (Miss. VI 173, V 154.)

Thirty years. (N.M. V 3; Okla. VI 3.)

Thirty years at time of election. (Ga. VI Sec. XIV 1; Ky. 91.)

Thirty years (at time of election?). (Ida. IV 3; Mont. VII 3.).

Citizenship

In United States. (Colo. IV 4; Ida. IV 3; Md. V 4; Mo. V 19; Mont. VII 3; N.M. V 3; N.D. III 82; Okla. VI 3; S.D. V 24, 25.)

In United States for three years preceding election. (Ga. VI Sec. XIV 1.)

In United States for seven years (preceding election?) (Ala. V 132.)

In United States for ten years preceding election. (Ariz. V 2.)

In state for two years preceding election. (Ky. 91.)

In state for five years. (Miss. VI 173, V 154.)

In state for five years preceding election. (Ariz. V 2; Utah VII 3.)

In state for five years preceding election (unless citizen at time constitution goes into effect). (W.Va. IV 4.)

Dual Office Holding

Ineligible to legislature. (Ark. V 7; Ill. IV 3; Me. IX 2; N.D. II 37; S.D. III 3; Tenn. II 26.)

Ineligible to legislature, but acceptance of office to operate as a resignation of seat in legislature. (Mass. Pt. II Ch. VI 2.)

Ineligible to legislature during term for which elected. (Tex. III 19.)

Ineligible to office in either branch of legislature. (N.D. II 37.)

Ineligible as governor, member of legislature or councillor; but election or appointment to office and acceptance to operate as resignation of seat in chair, legislature or council, and vacancy to be filled. (N.H. II 94.)

Not to hold other office during term of service. (W.Va. VII 4.)

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ATTORNEY-GENERAL (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Dual Office Holding (*Cont'd*)
Ineligible to other office during term of office, except member of state board of education. (Mont. VII 4.)
Ineligible to other office during period for which elected. (Ill. V 5.)
Ineligible to other state office during period for which elected. (Nebr. V 2.)
Ineligible to other office or commission, civil or military, in state or under other state or United States or any power. (Ark. VI 22.)
Ineligible to office of justice of highest court or of inferior court, county attorney, treasurer, adjutant-general, judge of probate, register of probate, register of deeds, sheriff or deputy, clerk of judicial court. (Me. IX 2.)
Ineligible to office of secretary of state, insurance commissioner, treasurer, auditor, prothonotary clerk of the peace, register of wills, recorder, sheriff or coroner. (Del. III 11.)
Election to and accepting seat in Congress vacates office. (Me. IX 2; Mass. Amend. 8.)
Electoral
Must be qualified elector. (Md. V 4.)
Must be qualified elector at time of election. (Utah VII 3.)
Must have been qualified elector of state for three years preceding election. (Okla. VI 3.)
Must have qualifications of state electors. (N.D. III 82.)
Any elector eligible. (Nev. V 19.)
Prior Service in Office as Disqualification
Ineligible as own successor. (Ala. V 116.)
Ineligible to re-election for four years after term for which elected. (Ky. 93.)
After serving two consecutive terms, ineligible to hold state office for two years thereafter. (N.M. V 1 (1914).)
Residence
Residence during term, *See below, this title,* RESIDENCE.
In state for one year preceding election. (S.D. V 24, 25.)
In state for two years preceding election. (Ida. IV 3; Ky. 91.)
In state for five years preceding election. (Ala. V 132; Utah VII 3.)
In state for five years preceding election or appointment. (Mass. Amend. 17.)
In state continuously for five years preceding election. (N.M. V 3.)
Actual residence in state for five years preceding election. (La. 97.)
In state for ten years. (Md. V 4.)
Sex
See also above, this subdivision, ELECTORAL.
Must be male. (Ariz. V 2; Mo. V 19; Okla. VI 3.)

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ATTORNEY-GENERAL (*Cont'd*)

REMOVAL

For incompetency, wilful neglect of duty or misdemeanor in office, on conviction. (Md. V 1.)

For cause by concurrent vote of both houses of legislature by majority of all members elected to each house. Cause of removal entered on journal of each house. Notice with copy of charges to be given at least 20 days before action by either house. (Va. VI 107, 104.)

By joint resolution of legislature, in which three-fourths of members elected to each house concur, for incompetency, corruption, malfeasance or delinquency in office or other sufficient cause stated in resolution; served with copy of charges, and hearing. (Wash. IV 9.)

By governor on joint address of two-thirds of members elected to each house of legislature for good cause. (Ark. XV 3.)

Impeachment, *See above, this title,* IMPEACHMENT.

RESIDENCE

As qualification for office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

At seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Mo. V 1; Mont. VII 1; N.M. V 1; Tex. IV 22; Utah VII 1.)

At seat of government, except during epidemics. (Ala. V 118.)

ROTATION IN OFFICE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

TERM OF OFFICE

Length

Same as for governor. (Cal. V 17; Fla. IV 20; Ga. VI Sec. X 1; Nev. V 19; Va. VI 107.)

During pleasure of governor. (Pa. IV 8.)

One year. (Mass. Amend. 17.)

Two years. (Ariz. V 1; Ark. VI 1; Colo. IV 1; Ida. IV 1; Iowa V 12; Kan. I 1; Mich. VI 1; Minn. V 5; Nebr. V 1; N.M. V 1 (1914); N.Y. V 1, 2; N.D. III 82; Ohio III 2, XVII 2; R.I. Amend. XVI; S.C. IV 24, V 28; S.D. IV 12; Tex. IV 22; Wis. VI 1.)

Four years. (Ala. V 116; Del. III 21; Ill. V 1; Ky. 91; La. 79, 97; Md. V 1; Miss. V 173; Mo. V 2; Mont. VII 1; Okla. VI 4; Utah VII 1; Wash. III 3; W.Va. VII 1.)

Five years. (N.J. VII Sec. II 4.)

Eight years. (Tenn. VI 5.)

To serve until successor qualified (regardless of length of term specified). (Ala. V 116; Ark. VI 1; Ill. V 1; Iowa V 12; Kan. I 1; Ky. 91; Md. V 1; Mass. Amend. 17; Minn. V 5; Mo. V 2; Mont. VII 1; Nebr. V 1; N.D. III 82; Ohio III 2; R.I. Amend. XVI; S.C. IV 24; Tex. IV 22; Wash. III 3.)

Re-election to Same Office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

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ATTORNEY-GENERAL (*Cont'd*)
TERM OF OFFICE (*Cont'd*)
Time of Beginning
Same as for governor. (Cal. V 17; Fla. IV 20, 28; Ga. VI Sec. X 1; Nev. V 19; Va. VI 107.)
From election and qualification. (Md. V 1.)
January 1st after election. (N.M. V 1; N.C. III 1.)
First Monday in January after election. (Ariz. V 1; Ida. IV 1; Ky. 91; Mont. VII 1; Utah VII 1.)
First Tuesday of January after election. (R.I. Amend. XVI.)
First Thursday [after] first Tuesday in January after election. (Nebr. V 1.)
Second Monday of January after election. (Ill. V 1; Kan. I 1; Mo. V 2; Ohio III 2; Okla. VI 4.)
Second Monday of January after election until otherwise provided by law. (Wash. III 4.)
Second Tuesday of January after election. (Colo. IV 1.)
First Monday after second Tuesday in January after election. (Ala. V 116.)
Third Wednesday in January after election. (Mass. Amend. 17.)
March 4th after election. (W.Va. VII 1.)
VACANCY IN OFFICE
Filled by governor with advice and consent of senate. (La. 79.)
Filled by governor for unexpired term. (Ark. VI 22; Md. V 5.)
Filled by governor until successor elected and qualified. (Ill. V 20; Mont. VII 7.)
Filled by governor until successor elected and qualified as provided by law. (Colo. IV 6; Ida. IV 6; Nebr. V 20; Utah VII 10; W.Va. VII 17.)
Filled by governor until next annual election and until successor qualified. (Minn. V 4.)
Filled by governor until disability removed or a successor elected and qualified; unsoundness of mind ascertained by supreme court on suggestion of governor. (Ala. V 136.)
Filled by governor till disability removed or successor qualified; election at first general election more than 30 days after vacancy occurs, to fill for remainder of unexpired term. (N.C. III 3.)
Filled by legislature in joint convention if in session; if not, governor fills until successor elected by legislature and qualified. (R.I. Amend. XI 5.)
In case attorney-general-elect dies, removes from state, refuses to serve, becomes insane, or otherwise incapacitated, or if failure to elect, legislature, upon its organization, to meet in joint convention and elect, by majority vote, person to fill the office. If election by legislature is because of the failure of candidate to receive plurality of votes election to be made from persons who receive same and largest number of votes. Person elected serves for remainder of term or full term, as case may be, and until successor qualified. (R.I. Amend. XI 3, 7.)

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ATTORNEY-GENERAL (*Cont'd*)

VACANCY IN OFFICE (*Cont'd*)

During session of legislature, filled by joint vote of legislature from people at large; if vacancy during recess, filled by governor with advice and consent of council. (Mass. Amend. 17.)

During recess of legislature, filled by governor with advice and consent of council. (Me. IX 11.)

Caused by impeachment, displacement, resignation, death or incapacity for other reason to perform duties, filled by governor until disability removed and successor elected and qualified. Vacancy to be filled by election at first general election more than 30 days after happening, and person elected to hold office for unexpired term. (Kan. I 14.)

In case of death, impeachment, resignation or other disability, filled by governor until disability removed or successor elected and qualified. Election to be held at first general election more than 30 days after vacancy occurs, and successor holds office for full term. (Ohio III 18.)

When he acts as governor, unless during temporary disability of governor, vacancy filled as directed by constitution. (Del. III 20.)

Failure to qualify deemed to create vacancy. (Mass. Amend. 17.)

ATTORNEYS

Prosecuting attorneys, *See* PROSECUTING ATTORNEYS.

Admission to bar as qualification for office, *See* "ATTORNEY-GENERAL", "PROSECUTING ATTORNEYS", *and throughout the title* "COURTS".

Right to counsel, *See* COURTS — COUNSEL, RIGHT TO.

Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts. (Ind. VII 21.)

Attorneys-at-law licensed to practice in any court of territory, or in any of United States courts for Indian Territory, or any court of record of the Five Civilized Tribes, eligible to practice in any court of state without examination. (Okla. Sched. 33.)

Oath of office prescribed for members of bar. (Ky. 228; S.C. III 26.)

Highest court to have power of disbarment, under rules adopted by court. (La. 85.)

AUDITOR

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence this one, See the title "PUBLIC OFFICERS". *For provisions relating to comptroller (under which title this officer is known in some states) See* "COMPTROLLER". *See also* "STATE EXAMINER".

ABOLISHMENT OF OFFICE

Legislature may abolish. (Wash. III 25.)

ACCOUNTS, *See below, this title,* REPORTS.

APPOINTMENT BY LEGISLATURE, *See below, this title,* ELECTION.

BOND

Of not less than double amount of money that may come into hands, and not less than $50,000; sureties, and approval "thereof", and increase of penalties, as may be prescribed by law. (Nebr. V 25.)

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AUDITOR (*Cont'd*)

CLERICAL ASSISTANTS

Appropriations for clerical and other expenses to specify each item and not to exceed in any one year $8,000. (La. 82.)

COMPENSATION

Salary

As to whether salary fixed may be changed by law, See below, this subdivision, INCREASE OR DECREASE.

Fixed by law. (Ala. V 118; Colo. IV 19; Ill. V 23; Kan. I 15; Minn. V 5; Miss. V 134; Mo. V 24; N.C. III 15; Ohio III 19; Okla. VI 34; W.Va. VII 19.)

Fixed at $1,500. (Utah VII 20.)

Fixed at $1,800. (Ida. IV 19; S.D. XXI 2.)

Fixed at $2,000. (N.D. III 84; Wash. III 20; Wyo. IV 13.)

Fixed at $2,500. (Ark. Sched. 28; Mich. VI 21; Nebr. V 24; Okla. Sched. 15.)

Fixed at $3,000. (Ariz. V 13; Mont. VII 4; N.M. V 12.)

Fixed at $5,000. (La. 81.)

Acting as governor, same as governor. (Ala. V 129.)

Increase or Decrease

In General

Allowed. (Ariz. V 13; Ida. IV 19; Mont. VII 4; N.D. III 84; Okla. Sched. 15; Utah VII 20; Wyo. IV 13.)

Allowed after ten years from date of admission as state. (N.M. V 12.)

Allowed, but total not to exceed $3,000. (Ark. XIX 11.)

Increase allowed, but total not to exceed $3,000. (Wash. III 20.)

Increase prohibited. (Mich. VI 21; S.D. XXI 2.)

During Term

Increase during term of office prohibited. (Mont. VII 4.)

Prohibited during official term. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; W.Va. VII 19.)

Prohibited during period for which elected. (Ala. V 118; Kan. I 15; N.C. III 15; N.D. III 84; Ohio III 19; Okla. VI 34; Wyo. IV 13.)

Prohibited to extent that it affects salary during term. (Ida. IV 19, V 27.)

Prohibited to extent that it affects salary during term, unless vacancy occurs, in which case successor to receive only salary provided by law at time of election or appointment. (Utah VII 20.)

Compensation Other Than Salary

Emolument or allowance other than salary, prohibited. (N.C. III 15.)

Salary to be in full payment for all services rendered. (N.M. V 12.)

Salary to be in full for all services rendered in official capacity or employment during term of office. (Ida. IV 19; Mont. VII 4; Utah VII 20.)

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AUDITOR (*Cont'd*)

COMPENSATION (*Cont'd*)

Compensation Other Than Salary (*Cont'd*)

Compensation limited to salary. (Ala. V 137; Ark. XIX 11; Ill. V 23; Ky. 96; La. 81; Mo. V 24; Nebr. V 24; N.M. V 12; Okla. VI 34; W.Va. VII 19.)

Fees for performance of duties not to be received. (Ida. IV 19; Mont. VII 4; N.M. V 12; Utah VII 20.)

Fees or perquisites for performance of duties not to be received. (Ala. V 137; Ark. XIX 11; Ill. V 23; La. 81; Mich. VI 21; Mo. V 24; Nebr. V 24; Okla. VI 34; S.D. XXI 2; W.Va. VII 19.)

Costs not to be received. (Ala. V 137; Ark. XIX 11; Ill. V 23; Mo. V 24; Nebr. V 24; Okla. VI 34; W.Va. VII 19.)

Interest on public moneys in hands or under control, not to be received to own use. (Nebr. V 24.)

Payment into treasury, *See below, this title,* FEES.

Expenses

Legislature may provide for actual and necessary expenses while traveling in state in performance of official duty. (Utah VII 20.)

Appropriations for clerical and other expenses to specify each item and not to exceed in any one year $8,000. (La. 82.)

Payment

Monthly. (La. 81.)

Quarterly. (Ida. IV 19; Mont. VII 4; N.M. V 12; Utah VII 20.)

DUAL OFFICE HOLDING, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

ELECTION

Under this subhead are digested those provisions which specifically refer to this officer; for provisions relating to elections in general, See the title "ELECTIONS"; *for provisions allowing the legislature to establish officers and provide for their election or appointment, See the title* "PUBLIC OFFICERS".

Secretary of State Auditor Ex Officio. (N.J. VIII 1; Ore. VI 2; Wis. VI 2.)

Electors

Qualified electors of state. (Ala. V 114; Ark. VI 3; Colo. IV 3; Del. III 21; Ida. IV 2; Ind. VI 1; Iowa IV 22; Kan. I 1; Ky. 91; La. 79; Minn. V 1; Mont. VII 2; N.C. III 1; N.D. III 82; Ohio III 1; Pa. IV 21; S.D. IV 12; Utah VII 2; Wyo. IV 11.)

Same as for governor. (Mass. Amend. 17; Miss. V 134, 143; Vt. II 40.)

Joint vote of both houses of legislature. (Va. V 82.)

Time and Places

As prescribed by law. (W.Va. VII 2.)

Same as for governor. (Mass. Amend. 17; Miss. V 134, 143; Vt. II 40.)

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AUDITOR (*Cont'd*)

ELECTION (*Cont'd*)

Time and Places (*Cont'd*)

At same time as governor, on first Tuesday after first Monday in November, 1895, and every four years thereafter. (Ky. 91, 95.)

Same as for members of lower house. (La. 79.)

Same as for members of legislature. (Ala. V 114; Ark. VI 3; Ida. IV 2; Kan. I 1; Mont. VII 2; N.C. III 1; N.D. III 82; S.D. IV 12; Utah VII 2; Wyo. IV 11.)

At general election. (Colo. IV 3; Del. III 21; Pa. IV 21.)

At general biennial election. (Mich. VI 1.)

At general election in 1876 and every four years thereafter. (Mo. V 2.)

Biennially on first Tuesday after first Monday in November. (Vt. II 35.)

Tuesday after first Monday in November, at places for voting for members of legislature. (Ohio III 1.)

Tuesday after first Monday of November, 1872, and every four years thereafter. (Ill. V 3.)

Tuesday after first Monday in November, 1876, and biennially thereafter. (Nebr. V 1.)

Returns and Canvass

Contested elections, *See below, this subdivision*, CONTESTED ELECTIONS.

Election in case of tie vote, *See below, this subdivision*, TIE VOTE.

Returns made in manner prescribed by law. (Ida. IV 2; Mont. VII 2; Vt. II 40.)

Same as for governor. (Mass. Amend. 17; Miss. V 134, 143.)

Majority of electoral votes and also majority of popular vote, necessary to choice. (Miss. V 134, 140, 143.)

Specific provisions appear in constitution, but since same as for election of governor, are not repeated here. *See* GOVERNOR — ELECTION. (Ala. V 115; Ark. VI 3; Colo. IV 3; Ill. V 4; Kan. I 2; Minn. V 2; Mo. V 3; Nebr. V 4; N.C. III 3; Ohio III 3, 4; Wash. III 4; W.Va. VII 3.)

Contested Elections

Procedure in case of tie vote, *See below, this subdivision*, TIE VOTE.

Determined as prescribed by law. (Ida. IV 2; Mo. V 25; Mont. VII 2.)

Determined by legislature in manner prescribed by law. (Ala. V 115; Wash. III 4.)

Determined by both houses of legislature by joint ballot in manner prescribed by law. (Colo. IV 3; Ill. V 4; Nebr. V 4; N.C. III 3.)

Determined by members of both houses in joint session at first session of legislature after election in which contest arises. (Ark. VI 4.)

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AUDITOR (*Cont'd*)

ELECTION (*Cont'd*)

Contested Elections (*Cont'd*)

Contests concerning vote of county or district to be decided by majority of whole number of members of lower house by a *viva voce* vote recorded in journal. (Miss. V 134, 140.)

Tie Vote

Legislature by joint vote to elect one of persons in tie. (Colo. IV 3; Ill. V 4; Kan. I 2; Mo. V 3; Nebr. V 4; N.C. III 3; Ohio III 3; Wash. III 4; W.Va. VII 3.)

Legislature by joint vote to elect one of persons in tie; majority of members elected necessary to choice. (Ark. VI 3.)

Legislature at next regular session to elect forthwith by joint vote one of persons in tie. (Ariz. V 1; Ida. IV 2; Mont. VII 2; Utah VII 2.)

Legislature by joint vote, without delay to elect one of persons in tie. (Ala. V 115.)

If failure to elect or if person elected dies, legislature on or before third Wednesday in January thereafter, to choose by joint ballot, one of persons in tie. (Mass. Amend. 17.)

If no person receives majority of electoral votes and also majority of popular vote, lower house elects one of two persons having highest number of popular votes. Election by *viva voce* vote recorded in journal. (Miss. V 134, 141.)

Election to Fill Vacancy, *See below, this title,* VACANCY IN OFFICE.

EXPENSES, *See above, this title,* COMPENSATION.

FEES

As to whether fees may be received, See above, this title, COMPENSATION — COMPENSATION OTHER THAN SALARY.

Fees and profits to be covered into treasury. (N.D. III 84; Wyo. IV 13.)

Fees payable by law to be paid in advance into treasury. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; Nebr. V 24; W.Va. VII 19.)

Fees payable by law to be collected in advance and deposited with treasurer quarterly to credit of state. (Ida. IV 19; Mont. VII 4; Utah VII 20.)

Fees payable by law to be paid at once into treasury. (Ala. V 137.)

Fees collected to be covered into treasury. (Ky. 93.)

IMPEACHMENT

See also IMPEACHMENT.

For corrupt conduct in office or for crimes and misdemeanors. (Minn. XIII 1.)

For high crimes or misdemeanors, and for misconduct, habits of drunkenness or oppression in office. (Mo. VII 1.)

For "high crimes and misdemeanors, for non-feasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness". (La. 217.)

For wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics, or offense involving moral turpitude in office. (Ala. VII 173.)

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AUDITOR (*Cont'd*)

OATH OF OFFICE

Form prescribed, affirmation allowed. (Minn. V 8.)

OFFICE AND PUBLIC RECORDS

Office to be kept at seat of government. (Ariz. V 1; Ark. VI 1; Kan. Sched. 6; Mich. VI 1; N.D. III 82; Okla. VI 1; S.D. IV 12; Wyo. IV 11.)

Public records to be kept at seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Mo. V 1; Mont. VII 1; Nebr. V 1; Okla. VI 1; Utah VII 1; Wash. III 24; W.Va. VII 1.)

Seal of office to be kept at seat of government. (N.M. V 1.)

POWERS AND DUTIES

As prescribed by law. (Ala. V 137; Ark. VI 22; Ill. V 1; Ind. VI 1; Iowa IV 22; Ky. 91, 93; Mich. VI 1; Minn. V 5; Mo. V 1; Nebr. V 1; N.C. III 13; N.D. III 83; S.D. IV 13; Utah VII 17; Va. V 82; Wash. III 20; W.Va. VII 1; Wyo. IV 12.)

As prescribed by constitution or by law. (Ariz. V 1, 9; Ida. IV 1; Mont. VII 1; Okla. VI 1; Utah VII 1.)

Succession to governorship, *See* GOVERNOR.

QUALIFICATIONS AND DISQUALIFICATIONS

Age

Twenty-five years. (Ariz. V 2; Colo. IV 4; Miss. V 134, 133; Mo. V 19; Mont. VII 3; N.D. III 82; Wyo. IV 11.)

Twenty-five years at time of election. (Ala. V 132.)

Twenty-five years (at time of election?). (Ida. IV 3; Mont. VII 3.)

Thirty years. (N.M. V 3; Okla. VI 3.)

Thirty years at time of election. (Ky. 91.)

Citizenship

In United States. (Colo. IV 4; Ida. IV 3; Mo. V 19; Mont. VII 3; N.M. V 3; Okla. VI 3; Wyo. IV 11.)

In United States for seven years (preceding election?). (Ala. V 132.)

In United States for ten years preceding election. (Ariz. V 2.)

In state for two years before election. (Ky. 91.)

In state for five years preceding election. (Ariz. V 2; Miss. V 134, 133; Utah VII 3.)

Dual Office Holding

Ineligible to legislature. (Ark. V 7.)

Ineligible to other office during term of service. (W.Va. VII 4.)

Ineligible to other office during term of office, except member of state board of education. (Mont. VII 4.)

Ineligible to other office during period for which elected. (Ill. V 5.)

Ineligible to other state office during period for which elected. (Nebr. V 2.)

Ineligible to other office or commission, civil or military, in state or under other state or United States or any power. (Ark. VI 22.)

Ineligible to office of secretary of state, attorney-general, insurance commissioner, treasurer, prothonotary, clerk of the peace, register of wills, recorder, sheriff or coroner. (Del. III 11.)

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AUDITOR (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Electoral

Qualified elector at time of election. (Utah VII 3.)

Must have been qualified elector of state for three years preceding election. (Okla. VI 3.)

Must have qualifications of state electors. (N.D. III 82; Wyo. IV 11.)

Prior Service in Office as Disqualification

Ineligible as own successor. (Ala. V 116; Colo. IV 21; Okla. VI 4; Pa. IV 21; Utah VII 3.)

Ineligible to immediately succeed himself or treasurer. (Miss. V 134.)

Ineligible to re-election for four years after term for which elected. (Ky. 93.)

Ineligible to same office more than four years out of six. (Ind. VI 1.)

Ineligible to state office for two years after expiration of two consecutive terms. (N.M. V 1 (1914).)

Prior Service in Other Office as Disqualification

Person serving immediately preceding term as treasurer ineligible to office of auditor. (Miss. V 134.)

Residence

Residence during term, *See below, this title,* RESIDENCE.

In state for two years preceding election. (Colo. IV 4; Ida. IV 3; Ky. 91; Mont. VII 3.)

In state for five years preceding election. (Ala. V 132; Mo. V 19; Utah VII 3.)

In state for five years preceding election or appointment. (Mass. Amend. 17.)

Continuously in state for five years preceding election. (N.M. V 3.)

Sex

See also above, this subdivision, ELECTORAL.

Must be male. (Ariz. V 2; Mo. V 19; Okla. VI 3.)

REMOVAL

By governor on joint address of two-thirds of members elected to each house of legislature for good cause. (Ark. XV 3.)

Impeachment, *See above, this title,* IMPEACHMENT.

REPORTS

On matters pertaining to office if required by governor or legislature. (Ala. V 137.)

To compile and have published report on or before December 31st for preceding fiscal year. (Miss. IV 115.)

Within sixty days after adjournment of each session to prepare and publish statement of moneys expended at session, specifying amount of each item and to whom and for what paid. (Ill. IV 17; Nebr. III 22.)

Same; also amounts of all appropriations. (Miss. IV 113.)

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AUDITOR (*Cont'd*)

REPORTS (*Cont'd*)

Every year at time fixed by legislature make report to governor showing receipts and disbursements of every character, claims audited and paid out by items, and taxes and revenues collected and paid into treasury and sources thereof. (Ala. V 137.)

Audit and examination of accounts, *See* STATE FINANCES.

RESIDENCE

As qualification for office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

At seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Mo. V 1; Mont. VII 1; Nebr. V 1; Utah VII 1; Wash. III 24; W.Va. VII 1.)

At seat of government, except during epidemics. (Ala. V 118.)

ROTATION IN OFFICE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

SECRETARY OF STATE TO BE AUDITOR EX OFFICIO. (N.J. VIII 1; Ore. VI 2; Wis. VI 2.)

TERM OF OFFICE

Length

One year. (Mass. Amend. 17.)

Two years. (Ariz. V 1; Ark. VI 1; Colo. IV 1; Del. III 21; Ida. IV 1; Ind. VI 1; Iowa IV 22; Kan. I 1; Mich. VI 1; Nebr. V 1; N.M. V 1 (1914); N.D. III 82; S.D. IV 12.)

Four years. (Ala. V 116; Ill. V 1; Ky. 91; La. 79; Minn. V 5; Miss. V 134, 136; Mo. V 2; Mont. VII 1; Ohio III 2, XVII 2; Okla. VI 4; Pa. IV 21; Utah VII 1; Va. V 82; Wash. III 3; W.Va. VII 1; Wyo. IV 11.)

To serve until successor qualified (regardless of length of term specified). (Ala. V 116; Ark. VI 1; Ill. V 1; Iowa IV 22; Kan. I 1; Ky. 91; Mass. Amend. 17; Minn. V 5; Mo. V 2; Miss. V 136; Mont. VII 1; Nebr. V 1; N.D. III 82; Ohio III 2; Wash. III 3; Wyo. IV 11.)

Re-election to Same Office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

Time of Beginning

January 1st after election. (N.M. V 1; N.C. III 1.)

First Monday in January after election. (Ariz. V 1; Ida. IV 1; Ky. 91; Mont. VII 1; Utah VII 1.)

First Thursday [after] first Tuesday in January after election. (Nebr. V 1.)

Second Monday in January after election. (Ill. V 1; Kan. I 1; Mo. V 2; Ohio III 2; Okla. VI 4.)

Second Monday in January after election until otherwise provided by law. (Wash. III 4.)

Second Tuesday in January after election. (Colo. IV 1.)

First Monday after second Tuesday in January after election. (Ala. V 116.)

Third Wednesday in January after election. (Mass. Amend. 17.)

March 4th after election. (W.Va. VII 1.)

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AUDITOR (*Cont'd*)

VACANCY IN OFFICE

Filled by governor with advice and consent of senate. (La. 79.)

Filled by governor for unexpired term. (Ark. VI 22.)

Filled by governor until successor elected and qualified. (Ill. V 20; Mont. VII 7.)

Filled by governor until successor elected and qualified as provided by law. (Colo. IV 6; Ida. IV 6; Nebr. V 20; Utah VII 10; W.Va. VII 17.)

Filled by governor until next annual election and until successor qualified. (Minn. V 4.)

Filled by governor until disability removed or a successor elected and qualified; unsoundness of mind ascertained by supreme court on suggestion of governor. (Ala. V 136.)

Filled by governor till disability removed or successor qualified; election at first general election more than 30 days after vacancy occurs, to fill for remainder of unexpired term. (N.C. III 13.)

During session of legislature, filled by joint vote of legislature from people at large; if vacancy during recess, filled by governor with advice and consent of council. (Mass. Amend. 17.)

If during recess of senate, filled by governor; if during session of senate governor to make nomination before final adjournment; vacancy to be filled by new election on next election day appropriate to office, unless vacancy happens within two months preceding such day in which case election held on second succeeding election day. (Pa. IV 8.)

Caused by impeachment, displacement, resignation, death or incapacity for other reason to perform duties, filled by governor until disability removed and successor elected and qualified. Vacancy to be filled by election at first general election more than 30 days after happening, and person elected to hold office for unexpired term. (Kan. I 14.)

In case of death, impeachment, resignation or other disability, filled by governor until disability removed or successor elected and qualified. Election to be held at first general election more than 30 days after vacancy occurs, and successor holds office for full term. (Ohio III 18.)

Failure to qualify deemed to create vacancy. (Mass. Amend. 17.)

AUDITORS, *See* COURTS.

AUDITORS, STATE BOARD OF

Composed of secretary of state, treasurer and commissioner of state land office; to examine and adjust claims against state not otherwise provided for by law. If office of commissioner of state land office abolished, another state officer to be designated by law as member of board. (Mich. VI 20.)

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BAIL

RIGHT TO

All persons by sufficient sureties, except for capital offenses where proof is evident or presumption great. (Ariz. II 12; Cal. I 6; Colo. II 19; Del. I 12; Fla. D.R. 9; Ida. I 6; Ill. II 7; Kan. B.R. 9; Ky. 16; Mo. II 24; Mont. III 19; Nev. I 7; N.M. II 13; N.D. I 6; Ohio I 9; Okla. II 8; Pa. I 14; S.D. VI 8; Utah I 8; Wash. I 20; Wyo. I 14.)

Same; adds "unless after conviction for crime or offense punishable with death or imprisonment at hard labor". (La. 12.)

All prisoners by sufficient sureties, unless for capital offenses, when proof is evident, but this not to be construed to prevent bail upon examination of evidence after indictment, in manner prescribed by law. (Tex. I 11.)

All prisoners by sufficient sureties, unless for capital offenses, when the proof is evident or presumption great. (Tenn. I 15.)

All persons imprisoned ought to be bailed by sufficient sureties, except offenses punishable by death or imprisonment for life, where proof is evident or presumption great. (R.I. I 9.)

No person before conviction to be bailable for any crimes "dominated" capital offenses since adoption constitution, where proof is evident or presumption great, whatever punishment of crimes may be. (Me. I 10.)

All persons by sufficient sureties, except in cases of murder or treason when proof is evident or presumption great. (Ind. I 17; Nebr. I 9; Ore. I 14.)

All persons by sufficient sureties before conviction, except for capital offenses where proof is evident or presumption great. (Ark. II 8; Conn. I 14; Iowa I 12; Minn. I 7; Miss. III 29; N.J. I 10; S.C. I 20; Wis. I 8.)

All persons before conviction, by sufficient sureties, except for murder and treason when proof is evident or presumption great. (Mich. II 14.)

All prisoners by sufficient sureties unless in execution, or committed for capital offenses, when proof is evident or presumption great. (Vt. II 32.)

APPLICATIONS FOR

Legislature to provide by whom and how applications for bail to be heard and determined. (Va. VI 109.)

AMOUNT

Excessive bail prohibited. (Ala. I 16; Ariz. II 15; Ark. II 9; Cal. I 6; Colo. II 20; Conn. I 13; Del. I 11; Fla. D.R. 8; Ga. I Sec. I 9; Ida. I 6; Ind. I 16; Iowa I 17; Kan. B.R. 9; Ky. 17; La. 12; Me. I 9; Md. D.R. 25; Mass. Pt. I 26; Mich. II 15; Minn. I 5; Miss. III 29; Mo. II 25; Mont. III 20; Nebr. I 9; Nev. I 6; N.H. I 33; N.J. I 15; N.M. II 13; N.Y. I 5; N.C. I 14; N.D. I 6; Ohio I 9; Okla. II 9; Ore. I 16; Pa. I 13; R.I. I 8; S.C. I 19; S.D. VI 23; Tenn. I 16; Tex. I 13; Utah I 9; Vt. II 32; Wash. I 14; W.Va. III 5; Wis. I 6; Wyo. I 14.)

Excessive bail ought not to be required. (Va. I 9.)

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BAIL (*Cont'd*)

FORFEITURE

Legislature to have no power to relieve principals or securities upon forfeited recognizance from payment, either before or after judgment, unless principal is apprehended and in custody of proper officer. (Ga. III Sec. VII 19.)

BANKS

For provisions relating to all corporations, See CORPORATIONS.

APPLICATION OF CONSTITUTION

To all banks, except national banks, and all trust companies and individuals, whether or not incorporated. (Ala. XIII 255.)

BANK COMMISSIONERS

Banking commissioner to control banking department; appointed by governor for four years with consent of senate. (Okla. XIV 1.)

Bank commissioners to receive compensation to be provided by law. (Okla. Sched. 71.)

BANKING DEPARTMENT

Legislature to create banking department with sufficient power and authority to regulate and control all state banks, loan, trust and guaranty companies under laws protecting depositors and stockholders. (Okla. XIV 1.)

BILLS, NOTES AND PAPER CREDIT

Denomination

No circulating note less than $1 to be issued. (Kan. XIII 7.)

Place of Issue and Redemption

All banks required to keep at convenient place in state, to be named on circulating notes, offices and officers for issue and redemption. (Kan. XIII 6.)

Preference of Holders, *See below, this title,* INSOLVENCY.

Prohibition of Paper Money

General prohibition against issue or circulation of bills, notes or other paper as money. (Ark. XII 10; Mich. XII 9; Nev. VIII 6.)

General prohibition excepts federal currency and national bank notes. (Nev. VIII 6.)

No bank, company or institution may be created with power to put its own or other bank's, company's or person's paper money into circulation as money. (Ore. XI 1.)

No corporation, association or individual shall issue or put in circulation as money anything but lawful money of United States. (Cal. XII 5; Wash. XII 11.)

Redemption

Circulating notes to be redeemable in United States money. (Kan. XIII 4.)

Specie payments, *See below, this title,* SPECIE PAYMENTS.

Security for, *See below, this subdivision,* SECURITY FOR.

Registry

Any general banking law must provide for registry and countersigning of notes or bills designed for circulation as money by an officer of state. (N.D. VII 145; Pa. XVI 9.)

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BANKS (*Cont'd*)

BILLS, NOTES AND PAPER CREDIT (*Cont'd*)

Registry (*Cont'd*)

Any general banking law must provide for registry and countersigning of paper credit designed for circulation as money by an officer of state. (Ind. XI 3; Iowa VIII 8; S.D. XIII 1.)

Legislature to require registry of all bills or notes in circulation as money. (Ill. XI 8; Minn. IX 13; N.Y. VIII 6.)

No more circulating bills than cash value of bonds deposited as security to be registered and countersigned. (Kan. XIII 2.)

Security for

"Ample" for redemption in specie to be required. (N.Y. VIII 6.)

"Ample" in United States stock or state stocks for redemption in specie to be required. (Minn. IX 13.)

"Ample", readily convertible into specie, for redemption in gold and silver, to be required, and under control of state officers. (Ind. XI 3.)

"Ample" to full amount to be deposited with auditor-general for redemption of bills and notes. (Pa. XVI 9.)

"Ample" to full amount to be deposited with state treasurer for redemption of bills and notes. (N.D. VII 145.)

Depreciation 10 per cent. below par to be made up by additional stocks. (Ill. XI 8; S.D. XVIII 1.)

Depreciation 10 per cent. or more on dollar to made up by additional stocks. (Iowa VIII 8; Minn. IX 13.)

Depreciation to be made up by additional security or auditor shall curtail bank's circulation. (Kan. XIII 3.)

Interest-paying bonds of states or United States at cash rates of New York stock exchange equal to authorized amount of circulating notes to be deposited with auditor of state and cash deposit in bank's vaults of 10 per cent. of such amount. (Kan. XIII 2.)

United States or Alabama bonds, convertible at face value, equal to aggregate of proposed issue, with power in state to dispose to redeem circulating notes of depositing bank. (Ala. XIII 248.)

To full amount in "approved securities" of South Dakota or United States, rated at 10 per cent. below par value. (S.D. XVIII 1.)

To full amount in United States or Illinois stocks, rated at 10 per cent. below par value. (Ill. XI 8.)

To full amount in United States stocks or interest-paying Iowa stocks to be rated at 10 per cent. below average value in New York city for 30 days next preceding their deposit. (Iowa VIII 8.)

Specie payments, *See below, this title*, SPECIE PAYMENTS.

BRANCHES

Branches are mutually responsible for each other's liabilities, upon all paper money. (Ind. XI 5; Iowa VIII 7.)

Legislature may charter a bank with branches, without collateral security. (Ind. XI 4.)

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BANKS (*Cont'd*)

BRANCHES (*Cont'd*)

Legislature not prohibited from investing trust funds in a bank with branches, on "unquestionable security". (Ind. XI 11.)

CHARTERS

Conditions

All authorized capital stock must be subscribed and paid for in full in cash prior to charter. (Tex. XVI 16.)

Legislature not to establish or incorporate banks to issue bills of credit or bills payable except under conditions prescribed in constitution. (Ala. XIII 247.)

Legislature not to grant nor renew any charter except upon condition that stockholders shall be liable to amount of their shares for all debts and liabilities of bank. (Md. III 39.)

Shall name the one place of business to be authorized. (Tex. XVI 16.)

Duration

Corporate capacity to sue and be sued preserved after charter expires, to close affairs and liabilities. (Ala. XIII 251; S.D. XVIII 2.)

No charter to be granted for longer period than 20 years. (Pa. XVI 11.)

To cease all banking operations, 20 years from organization, and promptly close business. (Ind. XI 10.)

To cease all banking operations, 20 years from organization, and promptly close business, but general law may provide for reorganization. (S.D. XVIII 2.)

To cease all banking operations, 20 years from organization, and promptly close business, unless time extended by law. (Ala. XIII 251.)

General Laws, *See below, this title,* GENERAL BANKING LAW, AUTHORIZATION OF.

How Issued

Corporate powers and privileges issued and granted by secretary of state, as prescribed by law, or by other person named by law if he is disqualified. (Ga. III Sec. VII 18.)

Notice of Application

Three months' notice at place of intended location of intention to apply for charter, in such manner as prescribed by law, required. (Pa. XVI 11.)

Prohibition of Issue or Extension

See also below, this title, STATE BANK.

Legislature not "to pass any act granting any charter for banking purposes". (Cal. XII 5.)

No bank may be established nor may the privilege of putting paper into circulation as money be granted. (Ore. XI 1.)

No corporate body with banking or discounting privileges to be created, renewed or extended. (Tex. XVI 16.)

Special Laws, *See below, this title,* SPECIAL LAWS.

CONTROL, *See below, this title,* REGULATION AND SUPERVISION.

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BANKS (*Cont'd*)

DEFINITION

For taxing purposes includes banking associations, savings and loan societies and trust companies but not building and loan associations. (Cal. XIII 14.)

DISSOLUTION, *See above, this title,* CHARTERS — DURATION.

EXAMINER OF STATE BANKS

Appointed by governor with consent of senate; shall be expert accountant and make examinations twice yearly; term of office, four years; duties and compensation to be defined by law. (La. 194.)

FOREIGN BANKS

Forbidden to do banking or discounting business in state; national banks excepted. (Tex. XVI 16.)

GENERAL BANKING LAW, AUTHORIZATION OF

See also below, this title, LAWS.

Authorized to be passed. (Cal. XII 5; N.Y. VIII 4; S.C. IX 9; Tex. XVI 16; W.Va. XI 6; Wis. XI 4.)

Authorized to be passed, with certain named restrictions and requirements. (Ind. XI 3; Minn. IX 13; S.D. XVIII 1.)

Banking department to be created by general law. (Okla. XIV 1.)

No bank to be established except under general law. (Ala. XIII 248; Kan. XIII 1.)

No bank to be established except under general law; bank with branches excepted. (Ind. XI 2.)

Providing for reorganization of banks losing their powers by lapse of 20 years. (S.D. XVIII 2.)

Requires two-thirds vote of all members elected to each house, to be taken by yeas and nays. (Wis. XI 4.)

Require two-thirds vote of each house for adoption, amendment or repeal, either for law to incorporate or regulate banks. (Mich. XII 9.)

Requires two-thirds vote of legislature for adoption; various restrictions and requirements named. (Minn. IX 13.)

HOLDINGS IN OTHER BANKS, *See below, this title,* STOCK.

INSPECTION, *See below, this title,* REGULATION AND SUPERVISION.

INSOLVENCY

Bill holders shall have preference over other creditors. (Iowa VIII 10.)

Bill or note holders entitled to preference in payment over all other creditors. (Ind. XI 8; Kan. XIII 4; Minn. IX 13; N.Y. VIII 8.)

Holders of bank notes, and depositors, who have not stipulated for interest, entitled to preference of payment over all other creditors, whether bank incorporated or not. (Ala. XIII 250.)

Officer consenting to receipt of deposits after knowledge that bank "is insolvent or in failing circumstances" individually liable for same. (Ariz. XIV 12; Wash. XII 12.)

Officer consenting to receipt of deposits or creation of debts after knowledge that bank "is insolvent or in failing circumstances" guilty of a crime and individually liable for deposits or debts. (La. 269; Mo. XII 27.)

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BANKS (*Cont'd*)

INSOLVENCY (*Cont'd*)

Officer of bank or individual banker consenting to receipt of deposit after knowledge that bank is insolvent individually responsible and guilty of a felony. (Ky. 204.)

INTEREST RATES

Not to receive, directly or indirectly, greater rate than allowed to individuals loaning money. (Ala. XIII 252; Ind. XI 9.)

LAWS

General banking law, *See above, this title*, GENERAL BANKING LAW, AUTHORIZATION OF.

Special laws, *See below, this title*, SPECIAL LAWS.

Any banking law may be amended or repealed. (Kan. XIII 9.)

Require majority of all votes cast at some general election, before taking effect. (Kan. XIII 8; Wis. XI 5.)

Require majority of all votes cast at general election next succeeding their passage, before taking effect. (Ill. XI 5; Ohio XIII 7.)

Require majority of all votes cast at general election next succeeding their passage, before taking effect; banks of deposit or discount excepted. (Mo. XII 26.)

Require majority of all votes for and against at general or special election not less than three months after passage by legislature, before taking effect. (Iowa VIII 5.)

NOTES, *See above, this title*, BILLS, NOTES AND PAPER CREDIT.

OFFICES, *See below, this title*, PLACE OF BUSINESS.

OFFICERS

Guilty of a crime and personally liable for deposits knowingly received after bank known to be "insolvent or in failing circumstances". (La. 269; Mo. XII 27.)

Guilty of a felony and personally liable for deposits knowingly received after knowing bank is insolvent. (Ky. 204.)

Personally liable for deposits knowingly received after bank known to be "insolvent or in failing circumstances". (Ariz. XIV 12; Wash. XII 12.)

Required to keep officers for issue and redemption of circulation at convenient place in state, to be named on circulation notes. (Kan. XIII 6.)

PAPER CREDIT, *See above, this title*, BILLS, NOTES AND PAPER CREDIT.

PLACE OF BUSINESS

All banks required to keep offices and officers for issue and redemption of circulation, at convenient place within state. (Kan. XIII 6.)

No banking corporation to do business in more than one place. (Tex. XVI 16.)

Branches, *See above, this title*, BRANCHES.

PREFERENCES, *See above, this title*, INSOLVENCY.

PROHIBITION OF BANKS, *See above, this title*, CHARTERS.

REGULATION AND SUPERVISION

Books, papers and accounts to be open to inspection, as prescribed by law. (Md. III 39.)

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BANKS (*Cont'd*)

REGULATION AND SUPERVISION (*Cont'd*)

Legislature may create a subordinate division, or bureau, of banking in corporation commission and under its control. (Va. XII 155.)

Legislature to create a banking department, for which bank commissioner is created, to regulate and control banks, to protect stockholders and depositors. (Okla. XIV 1.)

Legislature to provide "by some public officer" for examination of all banks, banking institutions and trust companies. (Ala. XIII 254.)

Legislature to provide for state supervision, regulation and control of banks, to protect depositors and creditors. (Tex. XVI 16.)

Legislature to provide for thorough examination and inspection of all banking and fiscal corporations. (S.C. IX 9.)

Legislature to provide system of state supervision, regulation and control. (Tex. XVI 16.)

Records, books and files of state banks liable to "full visitorial and inquisitorial powers of the state". (Ariz. XIV 16.)

Legislature to provide for classification of cities and towns by population for purpose of regulating banking business. (Cal. XII 5.)

REPORTS

At least twice a year, through president or other officer legislature may designate, to be required. (Ala. XIII 254.)

Quarterly, under oath, by an officer, to be required. (Ill. XI 7.)

Quarterly, under oath, of assets and liabilities, to be required. (Nebr. XIb 7.)

SAVINGS BANKS

Capital stock forbidden. (N.Y. VIII 4.)

Legislature to pass general act to conform all past and future charters to uniformity of powers, rights and liabilities. (N.Y. VIII 4.)

Trustees to have no interest in profits and directors or trustees not to be interested in loans or use of money or property. (N.Y. VIII 4.)

SPECIAL LAWS

See also above, this title, LAWS.

Banks excepted from provision against special laws. (Del. IX 1; Ind. III 48.)

Legislature may charter bank with branches, without collateral security; no bank to be established otherwise except under general law. (Ind. XI 2, 4.)

Legislature not to charter powers by local or special laws. (Mont. V 26; N.M. IV 24; Wyo. III 27.)

Legislature not to grant special charter for banking purposes. (N.Y. VIII 4; S.C. IX 9.)

Legislature not to incorporate or amend or extend charter of banking institutions not under state control. (S.C. III 34.)

Legislature not "to pass any act granting any charter for banking purposes". (Cal. XII 5.)

No bank to be established otherwise than under a general banking law. (Ala. XIII 248; Kan. XIII 1.)

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BANKS (*Cont'd*)

SPECIE PAYMENTS

Law sanctioning, directly or indirectly, suspension of specie payments forbidden. (Ala. XIII 249; Ind. XI 7; Minn. IX 13; N.Y. VIII 5.)

No bank shall be established except on specie basis or with bills secured, as prescribed. (Ala. XIII 248.)

Suspension on circulation not to be permitted or sanctioned. (Ill. XI 7; Iowa VIII 11.)

Bills or notes issued as money to be redeemable, at all times, in gold or silver. (Ala. XIII 249; Ind. XI 7.)

Security for, *See above, this title*, BILLS, NOTES AND PAPER CREDIT.

STATE AID

See STATE DEBT — PURPOSE.

Ownership of stock, *See below, this title*, STOCK.

STATE BANK

Legislature may charter a bank, with branches, without collateral security. (Ind. XI 4.)

Legislature may charter a state bank with branches, provided act has been approved at general or special election, as provided by constitution. (Iowa VIII 5, 6.)

If established, to be founded on actual specie basis. (Iowa VIII 7.)

No state bank hereafter to be created. (Ill. XI 5; Mo. XII 25; Ore. XI 1.)

Branches, *See above, this title*, BRANCHES.

Ownership of bank by state, *See below, this title*, STOCK.

STATE INTEREST IN

Board of public works authorized to sell state's interest in any banking corporation, taking in payment bonds and registered debt owing by state equal in amount to price obtained for state interest (Md. XII 3.)

Ownership of stock, *See below, this title*, STOCK.

STATE MONEYS

"Trust funds" may be invested in bank with branches on "unquestionable security". (Ind. XI 11.)

STOCK

Authorized capital stock must be fully paid for in cash before charter is granted. (Tex. XVI 16.)

Prohibited to own, hold or control stock in trust company or other bank, except if taken for debt; must dispose of same within 12 months. (Okla. IX 41.)

Recording of names of stockholders, amount held, transfers and names of transferees to be provided for in any general banking law passed. (Ill. XI 8.)

State not to be a stockholder in any bank. (Kan. XIII 5; Mo. XII 25.)

State not to be stockholder in any bank after expiration of present charter. (Ind. XI 12.)

State not to own or be liable for any stock of a bank now created or hereafter to be created. (Ill. XI 5; Mo. XII 25.)

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BANKS (*Cont'd*)
STOCK (*Cont'd*)
Neither state or any political subdivision thereof to be stockholder in any bank. (Ala. XIII 253.)
State not to become owner in whole or in part of any bank. (Tenn. II 31.)
No political or municipal corporation to become stockholder in any banking corporation, directly or indirectly. (Iowa VIII 4.)
STOCKHOLDERS
State or municipality as, See above, this title, STOCK.
Liability
Continuation after Transfer of Shares
Continues for one year (12 months) after transfer. (Minn. IX 13; S.D. XVIII 3; Tex. XVI 16.)
For What Liable
No charter may be granted or renewed except upon condition that stockholders shall be liable to amount of their shares for all debts and liabilities upon note, bill or otherwise. (Md. III 39.)
To amount, additional to amount of stock subscribed and fully paid, equal to value of shares for all debts and liabilities of every kind. (Utah XII 18.)
To amount, additional to par value of shares, equal to value of shares, for all debts. (Tex. XVI 16.)
To amount, additional to par value of shares, equal to value of shares, for all contracts, debts and engagements. (S.D. XVIII 3.)
To amount equal to double amount of stock owned for all debts. (Minn. IX 13.)
To amount equal to their stock for all debts and liabilities of every kind. (N.Y. VIII 7.)
To amount of their stock at par, in addition to par value of their shares. (Ore. XI 3.)
To amount of stock over and above face value of their stock. (S.C. IX 18.)
To amount over and above their stock, equal to their respective shares, for all debts or liabilities. (Ind. XI 6.)
To amount over their amount of stock, equal to their respective shares, for liabilities accruing while they were stockholders. (Ill. XI 6; Iowa VIII 9; Nebr. XIb 7; W.Va. XI 6.)
To extent of par value of shares, in addition to amount invested therein, for all contracts, debts and engagements. (Ariz. XIV 11; Ohio XIII 3; Wash. XII 11.)
How and to Whom Liable
Individually and personally, equally and ratably, and not one for another. (Ariz. XIV 11; Wash. XII 11.)
Individually, equally and ratably, for benefit of depositors. (Ore. XI 3.)

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BANKS (*Cont'd*)

STOCKHOLDERS (*Cont'd*)

Liability (*Cont'd*)

How and to Whom Liable (*Cont'd*)

Individually, in corporations and associations issuing bank notes. (Minn. IX 13.)

Individually responsible and liable to bank creditors. (Iowa VIII 9; Ill. XI 6; Nebr. XIb 7; W.Va. XI 6.)

Individually responsible. (Ind. XI 6; N.Y. VIII 7; S.D. XVIII 3; Tex. XVI 16; Utah XII 18.)

Individually responsible, equally and ratably, and not one for another, in corporations authorized to receive money on deposit. (Ohio XIII 3.)

Liable to depositors. (S.C. IX 18.)

Recording

Any general law must provide for recording of names of stockholders, amount of stock held, time of transfer and to whom transferred. (Iowa VIII 8; Minn. IX 13.)

SUITS

Corporate capacity to sue and liability to suit continued after charter expires until affairs and liabilities fully closed. (Ala. XIII 251; S.D. XVIII 2.)

TAXATION, *See* TAXATION — OBJECTS AND KINDS OF TAXATION.

TRUST COMPANIES, *See* TRUST COMPANIES.

BARRATRY, *See* CRIMES.

BIGAMY, *See* POLYGAMY.

BILL OF RIGHTS

Following is a list of titles in this digest covering subjects which, when included in the constitution, are usually found in an article called "Bill of Rights" or "Declaration of Rights". For provisions as to the place of the bill of rights in the theory of government, See GOVERNMENT, THEORY OF.

Accused, Rights of, See CRIMES.
Administration of Justice.
Arms.
Assembly, Right of.
Attainder.
Bail.
Bondage for Debt.
Constitution of State.
Constitution of United States.
Counsel, Right to, See COURTS — COUNSEL, RIGHT TO.
Death.
Debts.
Deodands, See DEATH.
Elections, Freedom of, See ELECTIONS.
Emigration.
Eminent Domain.
Employment, Freedom of, See LABOR.
Ex Post Facto Laws.
Evidence.
Form of Accusation, See CRIMES.
Freedom of Speech and Publication.
Government, Theory of.
Grand Jury, See JURIES.
Habeas Corpus, Writ of.
Hereditary Distinctions.
Impairment of Obligation of Contracts, See CONTRACTS.
Imprisonment for Debt.

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BILL OF RIGHTS (*Cont'd*)

Indictment, See CRIMES — FORM OF ACCUSATION.
Information, See CRIMES — FORM OF ACCUSATION.
Jeopardy.
Juries.
Libel and Slander.
Life, Liberty and Property.
Martial Law.
Military Power, Subordination of.
Preliminary Examinations, See COURTS — TRIALS.
Privileges.
Punishments, See CRIMES.
Quartering Troops, See SOLDIERS AND SAILORS.
Relation of State to United States, See UNITED STATES.
Religion.
Remedy for Injuries, See INJURIES *and references there given.*
Retrospective Laws.
Searches and Seizures.
Slavery.
Standing Army.
Suicides.
Titles of Nobility — See HEREDITARY DISTINCTIONS.
Treason.
Trials, See COURTS — TRIALS.
Witnesses.

BILLETING, *See* SOLDIERS AND SAILORS.

BLIND, *See* CHARITIES.

BLOOD, CORRUPTION OF, *See* CRIMES — PUNISHMENT.

BONDAGE FOR DEBT

See also IMPRISONMENT FOR DEBT.

No male over 21 or female over 18 to be holden by law to serve any person as servant, slave or apprentice, unless bound by own consent after arriving at such age, or bound by law for payment of debts, damages, fines, costs or the like. (Vt. I 1.)

BOROUGHS

Under this title are digested all provisions relating specifically to this class of municipalities. For provisions relating to municipalities generally, and hence to this class, See MUNICIPALITIES.

INCORPORATION AND ORGANIZATION

Legislature to constitute by law. (Vt. Ch. 2, 6.)

Special and local legislation for incorporation and erection of new boroughs, amending charters or changing lines of, forbidden. (Pa. III 7.)

OFFICERS

See also PUBLIC OFFICERS.

Legislature to provide for accounts in respect both to fees collected and all public or municipal moneys paid to them. (Pa. XIV 6.)

Compensation, *See below, this title,* EXPENDITURES, RESTRICTIONS UPON — EXTRA COMPENSATION.

Special and local legislation creating or prescribing powers and duties forbidden. (Pa. III 7.)

Terms to commence first Monday, December, in odd numbered year, until legislature provides otherwise. (Pa. Sched. 2.)

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BOROUGHS (*Cont'd*)

STOCK AND BOND HOLDING PROHIBITED

Not to subscribe to stock or purchase bonds of any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Not to be directly or indirectly owner of any stock or bonds of any association or corporation. (N.J. I 19.)

Legislature not to authorize becoming stockholder in foreign association or corporation. (Fla. IX 10.)

Legislature not to authorize becoming stockholder in company, association or corporation. (Pa. IX 7.)

CONTROL BY STATE

Special and local legislation regulating affairs of, forbidden. (Pa. III 7.)

EXPENDITURES, RESTRICTIONS UPON

Aid to Private Enterprise

Not to make donation to any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Forbidden to give or loan money to or in aid of any individual, association or corporation. (N.J. I 19.)

Legislature not to authorize obtaining or appropriating money for corporation, association, institution or individual. (Fla. IX 10.)

Legislature not to authorize appropriation of money to "any corporation, association, institution or individual". (Pa. IX 7.)

Extra Compensation

See also PUBLIC OFFICERS — COMPENSATION.

Not to grant extra compensation to public officer, employee, agent or servant or increase compensation of public officer or employee to take effect during continuance in office of any person whose salary might be thereby increased. (Conn. Amend. XXIV.)

Not to increase pay or compensation of any public contractor above amount specified in the contract. (Conn. Amend. XXIV.)

DEBT

Purpose

Forbidden to lend credit directly or indirectly in aid of any railroad corporation; but this not to affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Legislature not to authorize to loan credit to corporation, association, institution or individual. (Fla. IX 10.)

Loan of credit to any individual, association or corporation, or becoming security for any association or corporation forbidden. (N.J. I 19.)

Legislature not to authorize loan of credit to "any corporation, association, institution or individual". (Pa. IX 7.)

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BOROUGHS (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount

Not to exceed 7 per cent. of assessed value of taxable property; "nor shall any such municipality or district incur any new debt or increase its indebtedness" to amount exceeding 2 per cent. on such assessed valuation without assent of electors thereof at public election in manner provided by law. (Pa. IX 8.)

PUBLIC UTILITIES

No street railroad may be constructed within limits of borough without consent of local authorities. (Pa. XVII 9.)

BOUNDARIES OF STATE

See TERRITORIAL JURISDICTION.

See WATERS.

BRIBERY

In regard to elections, See ELECTIONS.

Of or by governor, See GOVERNOR.

Of or by members of legislature, See LEGISLATURE.

Of or by public officers, See PUBLIC OFFICERS.

Persons having knowledge or possession of facts that tend to establish guilt of person or corporation charged with bribery not to be excused from giving testimony or producing evidence on ground that it may tend to incriminate him under laws of state; but no person to be prosecuted or be subject to penalty or forfeiture for or on account of any matter concerning which he may testify or produce evidence. (Ariz. II 19.)

BRIDGES

In Counties

See COUNTIES — ROADS AND BRIDGES.

See COUNTIES — SUPERVISORS — POWERS AND DUTIES.

Obstructions in navigable streams, See WATERS — NAVIGABLE — OBSTRUCTION IN.

Railway bridge companies, See RAILROADS.

State aid to, See ROADS — STATE AID TO.

Taxation for

See TAXATION — STATE TAXES.

See TAXATION — LOCAL TAXES.

Legislature may not establish, but shall prescribe by law manner in which power shall be exercised by courts. (Ga. III Sec. VII 18.)

Law relating to bridges excepted from provision against laws enacted to take effect on approval of body other than legislature. (Ky. 60.)

State to provide for laying out and working public roads and building bridges, and for utilizing fines, forfeitures and convict labor to all these purposes. (Tex. XVI 24.)

For aiding construction and improvement of bridges "state road and bridge fund" created to include income from investments in internal improvement land fund, and all funds accruing to any state road and

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BRIDGES (*Cont'd*)

bridge fund however provided. Legislature may add to fund by providing in its discretion annual tax levied on property of state not over one mill on all taxable property; but no county shall receive in any one year more than 3 per cent. or less than ½ per cent. of the total fund thus provided and expended in such year. (Minn. IX 16.)

Private, local and special laws prohibited granting to any person the right to have any. (Miss. IV 90.)

Special and local legislation prohibited chartering and licensing. (Ala. IV 104, 20; Cal. IV 25; Ida. III 19; Ky. 59, 17; Mont. V 26; Wyo. III 27.)

Special and local laws prohibited providing for bridges, or chartering bridge companies, except on Hudson below Waterford on East river or over state boundary waters. (N.Y. III 18.)

Special, private and local laws prohibited, relating to bridges, or incorporating bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other state. (La. 48; Mo. IV 53, 6; Pa. III 7; Tex. III 56.)

Same; omit comma between "companies except". (Okla. V. 46.)

Local or special laws chartering or licensing toll bridges forbidden. (Colo. V 25; Ill. IV 22; Nebr. III 15; N.M. IV 24; N.D. II 69, 16; W.Va. VI 39.)

Right to authorize and regulate tolls on, under legislative control, punishment provided for unauthorized taking of; all laws granting right to collect tolls subject to amendment, modification or repeal. (Tex. XII 3, 4.)

Legislature may tax toll bridges as provided by general law, uniform as to class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Consolidation of bridge companies forbidden. (Ky. 201.)

BUILDING AND LOAN ASSOCIATIONS

Records, books and files liable to "full visitorial and inquisitorial powers of the state". (Ariz. XIV 16.)

CANALS

CANAL BOARD

Commissioner of canal fund, state engineer, superintendent of public works, with duties as prescribed by law. (N.Y. V 6.)

COMMISSIONERS OF CANAL FUND

Members are: lieutenant-governor, secretary of state, comptroller, treasurer and attorney-general. Duties as prescribed by law. (N.Y. V 5, 6.)

SUPERINTENDENT OF PUBLIC WORKS

Appointed by governor and senate, vacancy filled by governor to be approved at next session of senate. Term ends with term of appointing governor. Required to give bond. He has execution of laws concerning repair, navigation, construction and improvement of canals, except where entrusted to state engineer; making of rules for navigation and use of canals, and other duties prescribed by law. May be removed by governor on filing statement of grounds which shall be presented to legislature. He appoints

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CANALS (*Cont'd*)

SUPERINTENDENT OF PUBLIC WORKS (*Cont'd*)

three assistant superintendents for three-year terms, removable at his will on filing report of grounds in writing with governor, and appoints and may remove all other canal employees except those employed by state engineer. Rules subject to control of legislature. Compensation, and that of assistant superintendent to be prescribed by law; not to appoint collectors of tolls. (N.Y. V 3, 6.)

AID TO

Legislature never to lend credit of state or make appropriations in aid of canals. (Ill. XIV Canal Section.)

CANAL COMPANIES

For provisions relating to transportation companies and so to canal companies, See TRANSPORTATION COMPANIES.

Secretary of internal affairs to regulate canal companies, subject to law; may in addition to annual reports, require special reports at any time. (Pa. XVII 11.)

All corporate powers and privileges issued and granted by secretary of state, as prescribed by law or, should he be disqualified, by other person provided by general law. (Ga. III Sec. VII 18.)

Canal companies in existence at time of ratification of constitution must accept this article [of constitution] to have benefit of future legislation, general or special, except in execution of a trust created by law or contract. (Ala. XII 246.)

Are common carriers. (Ark. XVII 1; Cal. XII 17; Pa. XVII 1; Wash. XII 13.)

Are common carriers if engaged in transportation for hire, subject to liability as such, and cannot lawfully contract out of common-law liability for carriage of passengers. (S.C. IX 3.)

Board of public works appoints directors to represent state where state entitled to directors; and to vote state stock in Chesapeake and Ohio canal. (Md. XII 2.)

No officer, agent or employee of the canal company to be interested in furnishing materials or supplies to such company or any business of transportation as common carrier over property of company or in any arrangement giving more advantageous terms or greater facilities than offered or accorded to public. All contracts and arrangement in violation of this section void. No canal company or any lessee, manager or employee thereof to make any preferences in furnishing cars or motor power. Legislature shall prevent abuses, unjust discrimination and excessive charges by canal companies, to provide for enforcing such laws by adequate penalties and forfeitures, and provide for creation of officers and commissions and vest in them authority necessary to carry into effect powers hereby conferred. (Ark. XVII 5, 6, 10.)

Every canal company organized in this state to maintain office therein where transfers of stock shall be made and books kept for inspection by any stockholder or creditor, in which recorded capital stock subscribed or paid in and by whom, names of and

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CANALS (*Cont'd*)

CANAL COMPANIES (*Cont'd*)

amounts owned by stockholders, transfers of stock, names and places of residence of officers. No canal company to consolidate with, acquire works or franchises of or control any other railroad or canal company controlling parallel or competing lines; no officer of canal corporation to act as officer of railroad or canal corporation owning competing or parallel lines, and question whether railroads or canals are parallel or competing to be decided by jury as in civil issues when demanded by party complainant. Officer or employee of canal company not to be interested in furnishing material or supplies to his company or in business of transportation as common carrier over works controlled by his company. No discrimination in charges of facilities or transportation to be made and no canal company, its lessee, manager or employee to make any preferences in furnishing cars or motor power. (Pa. XVII 2, 4, 6.)

Every canal company operated or partly operated in this state shall maintain an office therein where transfers of its stock shall be made and books kept for inspection by stockholder or creditor, in which recorded amount of capital stock subscribed or paid in and amounts owned by each stockholder, transfers of stock and names and places of residence of officers. Canal companies shall not be consolidated with parallel or competing railroad or canal companies, nor lease or purchase, or in any way control parallel or competing railroad or canal companies, nor shall officer of canal corporation be officer of any other competing or parallel railroad or canal company; question whether railroads or canals are parallel or competing lines to be decided by a jury as in other civil issues when demanded by complainant. (Ark. XVII 2, 4.)

President and directors of Chesapeake and Ohio canal to regulate tolls from time to time to produce largest revenue and avoid injurious effect of rival competition by other internal improvement companies. (Md. XII 2.)

Are subject to taxation as common carriers. (S.C. IX 3.)

Taxation of, *See also* TAXATION.

EMINENT DOMAIN

See EMINENT DOMAIN — SPECIAL PUBLIC USES.

See EMINENT DOMAIN — PRIVATE USES.

INTEREST OF PUBLIC OFFICERS

Corporation commissioner may not have directly or indirectly. (Okla. IX 16.)

LABOR ON, *See* LABOR.

OWNED BY MINING OR MANUFACTURING COMPANIES

Mining or manufacturing companies may carry products of its own mines or factories, on its canal not over 50 miles long as exception from general prohibition. (Pa. XVII 5.)

PUBLIC HIGHWAYS

All canals are public highways. (Ark. XVII 1; Pa. XVII 1.)

Canals not constructed and used exclusively for private purposes are public highways. (Ala. XII 242.)

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CANALS (*Cont'd*)

PUBLIC UTILITY

Are public utilities. (Cal. XII 23.)

REGULATION OF

Control of canals in railroad commission which may fix rates, when power to do so is conferred by legislature. (Cal. XII 23.)

Legislature to prohibit unjust discrimination and to prohibit charging of other than just and reasonable rates, and to enforce same by adequate penalties. (Ala. XII 243.)

All individuals, associations and corporations to have equal right of transportation over canals and no undue or unreasonable discrimination to be made in charges for or facilities for transportation within the state or with other states. (Ark. XVII 3; Pa. XVII 3.)

To be subject to legislative control. (Cal. XII 17; Wash. XII 13.)

RIGHT OF WAY OVER PUBLIC LANDS, *See* PUBLIC LANDS — RIGHT OF WAY OVER.

STATE CANALS

Improvement of as is prescribed by law, to be paid for by appropriations, equitable annual tax, or bonds to be issued under same conditions as other state bonds; cost of superintendence and repairs to be met by a tax levied annually by legislature; contracts for work and materials to be awarded to lowest adequately secured bidder, no extra compensation allowed; board may cancel contract if unjust and oppressive; navigation to be free of toll, but subject to rules and regulations; specified canals never to be sold with certain exception, but to remain property of and under management of the state forever; proceeds of the sale, lease or other disposition of any state canal to go to canal improvement, superintendence and repair. (N.Y. VII 8, 9, 10.)

Certain specified canals when in possession of the state, not to be leased or alienated. (La. 195.)

Board of commissioners of port of New Orleans empowered to construct and operate a canal, with consent of certain other boards; to condemn land therefor, to issue bonds for cost of work secured by mortgage thereon, to be paid out of net receipts of canal; to fix charges for use of canal. (La. Amend. 1914.)

Stock issued for certain canals, payment for which by act of legislature to be made exclusively from proceeds of canal lands and tolls and revenues of canals never to be paid by state; legislature never to recognize liability of state to pay or redeem. (Ind. X 7.)

No canal or waterway owned by state ever to be sold or leased until specific proposition first submitted to vote at general election and approved by majority of all votes polled. Surplus earnings of canal, waterway or water power may be appropriated or pledged for its enlargement, maintenance or extension. (Ill. XIV Canal Section.)

Legislature may authorize construction of specified deep waterway; for development and utilization of water power; and authorize bonds of not over 4 per cent. therefor. (Ill. XIV Canal Section.)

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CANALS (*Cont'd*)

STATE INTEREST IN

Board of public works to represent stock of state in meetings of Chesapeake and Ohio Canal Company; to appoint directors in canal companies in which state has such right; detailed provisions as to duties of president and directors of Chesapeake and Ohio Canal Company. (Md. XII 2.)

WATER POWER ON STATE CANALS

Power developed from Illinois state deep waterway may be leased in part or whole as provided by law; rental in lease to be subject to revaluation every 10 years, income to be paid into state treasury. (Ill. XIV Canal Section.)

CAPITAL PUNISHMENT, *See* CRIMES — PUNISHMENT.

CAR COMPANIES

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all transportation companies, See TRANSPORTATION COMPANIES.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

Sleeping car, *See* SLEEPING-CAR COMPANIES.

Corporations or associations organized for purpose may operate lines between any points and connect at state lines or elsewhere with other lines. (Okla. IX 2.)

Declared to be common carriers and subject to control by law. (Ariz. XV 10.)

Foreign car corporations must incorporate under domestic law, to exercise right of eminent domain. (Okla. IX 31.)

Must receive and transport each other's cars, tonnage and passengers, without delay or discrimination, as regulated by commission. (N.M. XI 15.)

Taxation

See TAXATION — OBJECTS AND KINDS OF TAXATION — CORPORATIONS.

See TAXATION — OBJECTS AND KINDS OF TAXATION — PUBLIC UTILITIES.

See TAXATION — ASSESSMENT — CORPORATE PROPERTY.

CEMETERIES

Not of state, local or special law prohibited. (Cal. IV 25; Ida. III 19; Ky. 59; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Exemption from taxation, *See* TAXATION — EXEMPTIONS.

CENSUS

Legislature to provide for taking at least once in 10 years beginning 1865. (Kan. II 26.)

Enumeration of inhabitants to be made, under direction of secretary of state, every 10 years beginning 1905. (N.Y. III 4.)

Legislature to provide by law for census every tenth year, beginning 1885. (Colo. V 45.)

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CENSUS (*Cont'd*)

Same; beginning 1865. (Minn. IV 23.)

Same; beginning 1895. (Mont. VI 2.)

Same; beginning 1905. (Utah IX 2.)

Enumeration of inhabitants to be made, under direction of legislature, if necessary, in year 1875 and every 10 years thereafter. (Nev. XV 13.)

Legislature to provide for enumeration of population in year 1875 and every 10 years thereafter. (Iowa III 33.)

Same; in year 1885. (Nebr. III 2.)

Same; in year 1895. (Wash. II 3.)

Legislature to provide by law for census by counties every tenth year, beginning 1895. (Fla. VII 5.)

Legislature to provide for census of whole number of inhabitants, and of qualified electors of state once in every 10 years; first enumeration to be made in 1895 and legislature to provide for same by law. (Miss. IV 105.)

Legislature to cause to be made enumeration of white population in year 1865 and every 10 years thereafter. (Ore. IV 5.)

Legislature to cause number of inhabitants, exclusive of foreigners not naturalized and Indians not taxed, to be ascertained in year 1821 and at periods of at most 10 years, and at least five years. (Me. IV Pt. I 2.)

Of legal voters of each city and town to be taken and returned into office of secretary of commonwealth in year 1857; and of inhabitants of each city and town in year 1865 and every tenth year thereafter. (Mass. Amend. XXI.)

Legislature to cause enumeration of male inhabitants over 21 years of age to be made at second session after adoption of constitution and every sixth year thereafter. (Ind. IV 4.)

CHANCERY COURTS, *See* COURTS.

CHARITIES

For provisions relating to the system of charities and corrections as a whole, See CHARITIES AND CORRECTIONS.

For provisions relating to charities of counties, See COUNTIES — CHARITABLE, CORRECTIONAL AND EDUCATIONAL INSTITUTIONS.

For provisions relating to charities of cities, See CITIES — FINANCES.

For provisions relating to charities of municipalities, See MUNICIPALITIES — FINANCES.

For provisions relating to charities of towns, See TOWNS — FINANCES.

For provisions relating to charities of villages, See VILLAGES — FINANCES.

ADMINISTRATIVE AUTHORITY

Secretary of internal affairs to perform such duties relating to as may be prescribed by law. (Pa. IV 19.)

APPROPRIATIONS

For general provisions in regard to purpose of appropriations and so to appropriations for charities, See STATE FINANCES — EXPENDITURES — PURPOSE.

Forbidden for charitable or benevolent purposes to any person, corporation or community not under absolute control of state. (Colo. V 34; Mont. V 35; Wyo. III 36.)

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CHARITIES (*Cont'd*)

APPROPRIATIONS (*Cont'd*)

Forbidden to any charitable institution "not under the absolute control" of state, except by two-thirds vote of all members elected to each house. (Ala. IV 73; Pa. III 17.)

Forbidden for charitable or benevolent purpose to any person, corporation, association, institution or community not under absolute control of state; but legislature may make appropriations for charitable institutions and hospitals for maintenance of which annual appropriations were made by legislature in 1909. (N.M. IV 31.)

Legislature not to make any appropriation of public funds to any charitable institution not under or controlled by state except that appropriations may be made to non-sectarian institutions for reform of youthful criminals; and this does not prevent legislature authorizing cities, towns or counties to make such appropriations to any charitable institution or association. (Va. IV 67.)

No money to be appropriated or drawn from treasury for benefit of any corporation, association, asylum, hospital or other institution not under exclusive management and control of state, except that legislature may grant aid to institutions conducted for support and maintenance of minor orphans or half-orphans or abandoned children or aged persons in indigent circumstances. (Cal. IV 22.)

No appropriation to be made "for private, charitable or benevolent purposes to any person or community", but this not to apply to specified institutions "and the charity hospitals and public charitable institutions conducted under state authority". (La. 53.)

May be made for support of eleemosynary institutions of the state. (Mo. IV 43.)

Forbidden to any person or community for charitable or benevolent purposes except pensions or gratuities for military service. (Pa. III 18.)

BLIND

For provisions relating to charitable institutions in general, and so to institutions for blind, See below, this title, CHARITABLE INSTITUTIONS.

Administration and Control of Institutions

Control and management of to be regulated by legislature. (Colo. VIII 5.)

Institutions to be under such boards of control as prescribed by law. (Utah XIX 2.)

Legislature to provide for control and management of institutions for blind by board of regents, five members, appointed by governor with consent of senate for four years, not more than three of one political party at time of appointment; duties of board to be prescribed by law. (N.M. XII 13.)

Education of

Legislature to enact laws for education of. (Ariz. XI 1.)

Legislature to provide by law for support of institutions for education of. (Ark. XIX 19; Ind. IX 1; Miss. VIII 209; Okla. XIII 2.)

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CHARITIES (*Cont'd*)
BLIND (*Cont'd*)
Education of (*Cont'd*)
Institutions for blind to be state educational institution. (N.M. XI 11.)
School for, to be public institution of state. (N.D. XIX 216.)
Colorado School for Deaf and Blind at Colorado Springs adopted by state; gifts and appropriations for confirmed for use and benefit of. (Colo. VIII 5.)
School for, to be a charitable institution of state. (S.D. XIV 1.)
Legislature may provide for maintenance of South Carolina School for Deaf and Blind and may create scholarships therein. (S.C. XI 8, Amend. 1914.)
Legislature may provide as seems proper for. (N.Y. VIII 9, 14.)
Legislature cannot change location of school for deaf and blind except by two-thirds vote of legislature with yeas and nays entered on journals. (Ala. XIV 267.)
Provision for
Legislature may provide as seems proper for support of. (N.Y. VIII 9, 14.)
Legislature to enact laws for care of. (Ariz. XI 1.)
Legislature to make provision for. (W.Va. XII 12.)
Legislature may provide that indigent blind may be cared for at expense of the state. (N.C. XI 10.)
For benefit of afflicted inhabitants, blind asylums to be always fostered and supported. (Mich. XI 15.)
Institutions for benefit of, to be fostered and supported by state; subject to regulations prescribed by law. (Fla. XIII 1; Kan. VII 1; Nev. XIII 1; Ohio VII 1; Wash. XIII 1.)
Institutions for, to be established and supported by state in manner prescribed by law. (Ariz. XXII 15; Colo. VIII 1; Mont. X 1; Okla. XIII 2; Utah XIX 2, X 10.)
Institutions for, to be established and supported by state in manner prescribed by law; legislature for sanitary reasons may cause removal to more suitable localities. (Ida. X 1, 7.)
CHARITABLE CORPORATIONS
Benevolent corporations excepted from provision that all corporations must have place of business in state. (Cal. XII 14; S.C. IX 4.)
Prohibition to subscribe to stock in corporations, not to apply to corporations for charitable purposes. (Nev. VIII 9.)
Members not individually liable for dues from corporations. (Kan. XII 2.)
To be encouraged and protected, under regulation of legislature. (Vt. II 64.)
To be and remain under patronage and control of state. (Ill. XI 1.)
Legislature may not incorporate or amend or extend charter by local or special law if not under control of state, unless a gift, devise or will require it. (S.C. III 34, IX 2.)
Prohibition of, creation or change of charter by special law not to apply to charitable corporations which are to be and remain under patronage and control of state. (Ill. XI 1; Nebr. XIB 1.)

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CHARITIES (*Cont'd*)

CHARITABLE CORPORATIONS (*Cont'd*)

Prohibition of special legislation for creation of corporation or amendment of charters not to apply to charitable corporations sustained in whole or in part by the state. (Del. IX 1.)

CHARITABLE INSTITUTIONS

For provisions relating to state institutions in general and so to state charitable institutions, See STATE INSTITUTIONS.

Administrative Authority

Legislature may provide that boards of trustees or managers of state eleemosynary institutions may hold office six years, one-third to be elected or appointed as legislature directs, every two years, vacancies filled as provided by law. (Tex. XVI 30a.)

Trustees of such benevolent institutions as may be created to be appointed by governor with advice and consent of senate and on all nominations question to be taken in yeas and nays and entered on journal; governor to fill vacancy until next session of legislature and until successor confirmed and qualified. (Kan. VII 1, 3.)

Directors of benevolent state institutions hereafter created to be appointed or elected as prescribed by law; governor may fill vacancies unless otherwise provided for until next session of legislature and until successor appointed and confirmed; has power of removal. (S.C.XII 4, 8.)

Bonds for, *See* STATE DEBT — PURPOSE — PUBLIC BUILDINGS.

Establishment and Support

No charitable institution, other than state institutions now existing or expressly provided in constitution, to be established by state, except by vote of two-thirds of members elected to each house of legislature. (La. 60.)

Charitable institutions required by claims of humanity and public good, to be established and supported by state as prescribed by law. (Wyo. VII 18.)

Benevolent institutions required by public good to be fostered and supported by state subject to regulations prescribed by law. (Fla. XIII 1; Kan. VII 1; Nev. XIII 1.)

Legislature and board of public charities to "keep in view that charitable institutions should be as nearly self-supporting as is consistent with purpose of creation". (N.C. XI 11.)

No charitable institutions other than state institutions now existing or expressly provided for, to be established by state, except by vote of two-thirds of members elected to each house of legislature. (La. 60.)

One-half of income of swamp land fund to be "appropriated to the educational and charitable institutions of the state in relative ratio of cost to support said institutions". (Minn. VIII 2.)

Police juries and municipal corporations may, in providing for destitute persons, utilize any charitable institutions within

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CHARITIES (*Cont'd*)

CHARITABLE INSTITUTIONS (*Cont'd.*)

Establishment and Support (*Cont'd*)

their corporate limits for the care, maintenance and asylum of such persons; and all appropriations made to such institutions for the purpose aforesaid to be accounted for by them in the manner required of officials entrusted with public funds. (La. 58.)

Existing Laws

Existing laws relating to all, state, county, municipal, incorporated or not and to inspection and supervision of, till amended and repealed by legislature, remain in force. (N.Y. VIII 13.)

Inmates

Inmates of charitable institutions, except soldiers' home, ineligible to office or appointment of honor, trust or profit in state. (La. 202.)

Disfranchisement, *See* ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Investigation

State to have right to inquire at any time into management of institutions receiving state aid. (Cal. IV 22.)

Officers

Officers of eleemosynary state institutions to report in writing under oath when required by governor; making false report punished as prescribed by law. (Okla. VI 33.)

DEAF AND DUMB

For provisions relating to charitable institutions in general and so to institutions for deaf and dumb, See above, this title, CHARITABLE INSTITUTIONS.

Administration and Control of Institutions

Control and management of Colorado School for Deaf and Blind at Colorado Springs to be regulated by legislature. (Colo. VIII 5.)

Institutions for, to be under such boards of control as prescribed by law. (Utah XIX 2.)

Legislature to provide for control and management of asylum for deaf and dumb by board of regents, five members, appointed by governor with consent of senate for four years, not more than three of one political party at time of appointment; duties of boards to be prescribed by law. (N.M. XII 13.)

Education of

Legislature may make provisions as seems to it proper for. (N.Y. VIII 9, 14.)

Legislature to enact laws for education of. (Ariz. XI 1.)

Asylum for, to be state educational institution. (N.M. XI 11.)

School for, to be charitable institution of state. (S.D. XIV 1.)

Colorado School for Deaf and Blind at Colorado Springs adopted by state, gifts and appropriations for confirmed for use and benefit of. (Colo. VIII 5.)

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CHARITIES (*Cont'd*)

DEAF AND DUMB (*Cont'd*)

Education of (*Cont'd*)

Legislature may provide for maintenance of South Carolina School for Deaf and Blind and may create scholarships therein. (S.C. XI 8 Amend. 1914.)

Legislature to provide by law for support of institutions for education of (Ark. XIX 19; Ind. IX 1; Miss. VIII 209.)

Legislature cannot change location of school for deaf and blind except by two-thirds vote of legislature with yeas and nays entered on journals. (Ala. XIV 267.)

Provision for

All former gifts and grants confirmed. (Colo. VIII 5.)

Legislature to make provision for. (W.Va. XII 12.)

Legislature to enact laws for care of. (Ariz. XI 1.)

Legislature may make provision as seems to it proper for support of. (N.Y. VIII 9, 14.)

Legislature may provide that indigent deaf-mutes may be cared for at expense of the state. (N.C. XI 10.)

Asylum to be public institution of state. (N.D. XIX 215.)

Institutions for to be established and supported by state in manner prescribed by law. (Ariz. XXII 15; Colo. VIII 1; Mont. X 1; Okla. XIII 2; Utah XIX 2, X 10.)

Institutions, for benefit of afflicted inhabitants, always to be fostered and supported. (Mich. XI 15.)

Institutions for to be fostered and supported by state subject to regulations prescribed by law. (Fla. XIII 1; Kan. VII 1; Ohio VII 1; Wash. XIII 1.)

Institutions for benefit of to be fostered and supported by state, subject to restrictions prescribed by law. (Nev. XIII 1.)

Institutions for to be established and supported by state in manner prescribed by law; legislature for sanitary reasons may cause removal to more suitable localities. (Ida. X 1, 7.)

FEEBLE-MINDED AND IDIOTS

For charitable institutions in general and so for feeble-minded, See above, this title, CHARITABLE INSTITUTIONS.

Institute for feeble-minded children to be state institution. (Nebr. V 19.)

Institutions for benefit of defective youths to be fostered and supported by state subject to regulations prescribed by law. (Wash. XIII 1.)

Institutions for, connected with hospital for insane, to be state institution. (N.D. XIX 215.)

Institutions for feeble-minded for use of afflicted inhabitants to be always fostered and supported. (Mich. XI 15.)

Legislature to devise means for education of idiots. (N.C. XI 9.)

GIFTS

Gifts by will of realty or of money to be realized from realty, directly or in trust, for charitable uses or purposes, void. (Miss. XIV 269.)

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CHARITIES (*Cont'd*)

GIFTS (*Cont'd*)

Legacies or bequests of money or personal property, direct, implied or otherwise, for charitable uses, void. (Miss. XIV 270.)

GRANTS OF PUBLIC PROPERTY FOR

See PUBLIC PROPERTY — GRANTS.

See PUBLIC PROPERTY — TRUSTS.

GRANTS OF PUBLIC LAND FOR

See PUBLIC LANDS — SALE — PROVISION FOR.

See PUBLIC LANDS — TRUSTS IN.

HOSPITALS

For charitable institutions in general and so hospitals, See above, this title, CHARITABLE INSTITUTIONS.

Orthopedic hospitals controlled and managed by board of commissioners of state institutions, subject to limitations prescribed by law. (Nebr. V 19.)

Miners' Hospital, New Mexico, confirmed as state institution; hospital to be managed by board of five to hold office for four years, to be appointed by governor with consent of senate, not more than three of same political party at time of appointment; title, powers and duties to be provided by law. (N.M. XIV 1, 2, 3.)

INSANE

For provisions relating to charitable institutions in general, and so to institutions for insane, See above, this title, CHARITABLE INSTITUTIONS.

Administration and Control of Institutions

State commission in lunacy to be provided for by legislature; members to be appointed by governor with consent of senate; to be removed by governor for cause after having opportunity for defense; to visit and inspect all institutions, public and private, for care of the insane, except for epileptics and idiots, to have other powers conferred by legislature; this visit and inspection not exclusive of others now authorized by law. (N.Y. VIII 11, 12, 13.)

General board of directors to consist of all members of special boards to be subject to regulations and requirements prescribed by legislature; to have full power and control over special boards and officers and employees of hospitals to appoint superintendent for each hospital, and remove him for misbehavior, incapacity, neglect of duty or acts performed without authority of law. (Va. XI 150, 151.)

Commissioner of state hospitals for, appointed by governor, confirmed by senate, for four years; to be chairman of general and special boards of directors, to be responsible for all money received by hospitals, to establish and maintain uniform system of records and accounts and of reports, to perform other duties and receive salary fixed by law. (Va. XI 152.)

Boards of directors for each hospital, of three members for six-year term, one to go out every two years, appointed by gov-

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CHARITIES (*Cont'd*)

INSANE (*Cont'd*)

Administration and Control of Institutions (*Cont'd*)

ernor with advice and consent of senate, to manage hospital under supervision and control of general board; to appoint all resident officers except superintendent. (Va. XI 149, 151.)

Until otherwise provided by law, governor, treasurer and auditor to constitute board of insane asylum commissioners to have supervision of all matters connected with insane asylum as provided by law. (Utah VII 14.)

Asylum to be controlled and managed by board of five members to hold office for four years, to be appointed by governor with consent of senate, not over three to belong to same political party at time of appointment; title, powers and duties provided by law. (N.M. XIV 3.)

Three directors appointed by governor subject to confirmation of senate; to have control of asylum under regulations prescribed by legislature, to hold office for two years; may appoint medical superintendent who appoints assistants with approval of directors. (Ida. X 6.)

Regents of state hospital and superintendent who shall be physician, to be appointed by governor with advice and consent of senate; all other physicians, officers and employees to be appointed by regents unless otherwise prescribed by law; governor may fill vacancies unless otherwise provided for, and may remove until next session of legislature and until successor appointed and confirmed. (S.C. XII 2, 8.)

Location of State Asylum

Location of state insane asylum not to be changed by legislature, but after 10 years after adoption of constitution may submit question to qualified electors at general election and majority of those voting on question necessary to determine location. Until then to be located at Evanston, but legislature may provide that insane asylum may be converted to other public uses. (Wyo. VII 23.)

Provision for

Legislature to make provision for. (W.Va. XII 12.)

Legislature to provide by law for treatment and care of. (Miss. IV 86.)

Legislature may provide that indigent insane may be cared for at expense of the state. (N.C. XI 10.)

Legislature to provide for custody and maintenance of indigent lunatics at expense of state, under regulation to be provided by law. (Tex. XVI 54.)

Hospital for, with institution for feeble-minded in connection, to be public institution of state. (N.D. XIX 216.)

For benefit of afflicted inhabitants insane asylums to be always fostered and supported. (Mich. XI 15.)

Legislature to provide for support of institution for treatment of insane. (Ark. XIX 19; Ind. IX 1.)

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CHARITIES (*Cont'd*)

INSANE (*Cont'd*)

Provision for (*Cont'd*)

Insane hospital to be charitable institution of state. (S.D. XIV 1.)

New Mexico Insane Asylum confirmed as state institution; grants by Congress and others therefor accepted and to be exclusively used therefor. (N.M. XIV 1, 2.)

Institutions for to be established and supported by state in manner prescribed by law. (Ariz. XXII 15; Colo. VIII 1; Mont. X 1; Utah XIX 2.)

Institutions for care of to be fostered and supported by state; to be subject to regulations prescribed by law. (Fla. XIII 1; Kan. VII 1; Nev. XIII 1; Ohio VII 1; S.C. XII 1 (1914); Wash. XIII 1.)

Institutions for to be established and supported by state in manner prescribed by law; legislature for sanitary reasons may cause removal to more suitable localities. (Ida. X 1, 7.)

ORPHANS AND ABANDONED CHILDREN

For administration and control of charitable institutions in general and so of orphanages, See above, this title, CHARITABLE INSTITUTIONS.

As soon as practicable measures to be devised by state for establishment of orphan houses where destitute orphans may be cared for, educated and taught some business or trade. (N.C. XI 8.)

Legislature may grant aid to institutions conducted for support of abandoned children and of minor orphans or half-orphans by uniform rule, in proportion to number of inmates; state to have power to inquire at any time into management of institution; same *pro rata* sum to be given to any county, city and county, city or town supporting orphans as to institutions under other control. (Cal. IV 22.)

PAUPERS

For provisions relating to charitable institutions in general and so to institutions for paupers, See above, this title, CHARITABLE INSTITUTIONS.

Laws relating to exempted from provision that no law be enacted to take effect on approval of any other authority than legislature. (Ky. 60.)

Legislature may provide that indigent be cared for at expense of state. (N.C. XI 10.)

State may provide for sick or indigent persons. (N.M. IX 14.)

Prohibition of donation to individual, association or corporation not to prevent donation for necessary support of poor. (N.D. XII 185; S.D. XIII 1; Wyo. XVI 6.)

Legislature may provide for care of indigent sick in hospitals in state. (Miss. IV 86.)

Institutions for care of always to be fostered and supported by state and to be subject to regulations prescribed by law. (S.C. XII 1, Amend. 1914.)

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CHARITIES (*Cont'd*)

PAUPERS (*Cont'd*)

Legislature may grant aid to institutions conducted for support of aged poor in proportion to number of inmates, by uniform rule, state to have power to inquire at any time of management of institution; same *pro rata* sum to be given to any county, city and county, city or town supporting aged poor as to institutions under other control. (Cal. IV 22.)

Legislature to enact laws to prevent abuses by those having care of persons who by reason of age, infirmity or misfortune may have claims on sympathy and aid of society. (Miss. XIV 262.)

PROPERTY FOR CHARITABLE USE

Excepted from prohibition against perpetuities. (Cal. XX 9; Mont. XIX 5; Nev. XV 4.)

Local or special law not to provide for sale of property held for charitable uses. (W.Va. VI 39.)

SOLDIERS' AND SAILORS' AID, *See* SOLDIERS AND SAILORS.

CHARITIES AND CORRECTIONS

In this title are digested provisions relating to system of charities and corrections as a whole.

For provisions relating to charities, See CHARITIES.

For provisions relating to penal institutions, See PENAL INSTITUTIONS.

For provisions relating to state institutions in general and so to charitable and correctional institutions, See STATE INSTITUTIONS.

ADMINISTRATION

Board of public charities to superintend charitable and penal state institutions. (N.C. XI 7.)

Charitable and penal institutions provided for in constitution to be under control of state board of charities and correction, under restriction provided by legislation. (S.D. XIV 2.)

State board of charities and reform to supervise generally charitable, reformatory and penal institutions of state, including those of territory in operation on adoption of constitution. (Wyo. VII 18, 19.)

Board of commissioners of state institutions subject to limitations prescribed by law to control and manage all charitable, reformatory and penal institutions established and maintained by law in the state. (Nebr. V 19.)

State board of charities to visit and inspect all institutions, state, county, municipal, incorporated or not incorporated, of charitable, eleemosynary, correctional or reformatory character except reformatories in which are confined adult males convicted of felony, institutions for detention of sane adults charged or convicted of crime or detained as witnesses or debtors, or for the care and treatment of insane; existing laws relating to institutions to remain in force till modified by legislature; this visit and inspection not to be exclusive of other now authorized by law. (N.Y. VIII 11, 13.)

Duties of board to be strictly visitorial; to visit and inspect state, parish or municipal institutions of a charitable, eleemosynary, cor-

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CHARITIES AND CORRECTIONS (*Cont'd*)

ADMINISTRATION (*Cont'd*)

rectional or reformatory character and private institutions of like character used or aided by parochial or municipal authority, and private insane asylums whether so aided or not. (La. 295.)

Commissioner of, to investigate system of charities and corrections, conditions and management of prisons, jails, almhouses, reform and industrial schools, hospitals, orphanages and all public and private retreats and asylums deriving support wholly or in part from state or municipality. (Okla. VI 28.)

ADMINISTRATIVE AUTHORITY

Legislature at first session to appoint, and define duties of, board of public charities who annually report to governor with suggestions. (N.C. XI 7.)

State board of charities, members to be appointed by governor with consent of senate; to be removed for cause by governor after opportunity to be heard; legislature may confer additional powers. Commissioners now in office to remain for term of appointment unless legislature provide otherwise. (N.Y. VIII 11, 12, 15.)

State board of charities and reform, powers and duties to be prescribed by law. (Wyo. VII 18.)

Board of three commissioners of state institutions not more than two to belong to same political party, and no two of whom to reside in same congressional district, to be appointed by governor with consent of two-thirds of senate. The board to give bonds, receive compensation, perform duties and comply with regulations as prescribed by law. (Nebr. V 19.)

Board of charities and corrections of five members appointed by governor with consent of senate; compensation fixed by law. (S.D. XIV 1, 2.)

Board of charities and corrections to consist of six members appointed by governor for six years with governor as *ex-officio* chairman, to serve without compensation; may elect secretary at salary prescribed by law; to report annually to governor and to legislature at each session and to make suggestions if concurred in by majority of members of board in control of each institution. (La. 295)

Commissioner of charities and corrections elected in same manner and for same term as governor; to be of either sex; at least 25 years old and possess other qualifications required of governor; may summon witnesses and documents and administer oaths; full report of investigation with testimony to be given to governor; transmitted to legislature; report of operations of office to be made to governor on October 1st; legislature may alter, amend or add to powers and duties; to receive at stated times compensation of $1,500 annually till otherwise provided by law, not to be increased or diminished during term for which elected, not to receive to own use fees, costs or perquisites of office or other compensation; to keep office and public records at seat of government and perform duties designated in constitution or prescribed by law. (Okla. VI 1, 27, 30, 34, Sched. 15.)

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CHARITIES AND CORRECTIONS (*Cont'd*)

SUPPORT OF

State may engage in agriculture in support of its penal and charitable institutions. (Okla. II 31.)

Legislature and board of public charities to keep in view that penal and charitable institutions should be as nearly self-supporting as is consistent with purposes of creation. (N.C. XI 11.)

Nothing in constitution to prevent provision for "care, support, maintenance and secular education of inmates of orphan asylums, homes for dependent children or correctional institutions whether under public or private control" by counties, cities, towns or villages. (N.Y. VIII 14.)

Legislature may authorize but not require counties, cities, towns and villages to make payments to "charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for care, support and maintenance"; but only for inmates received and retained pursuant to rules of state board of charities, which rules are subject to legislative control by general laws. (N.Y. VIII 14.)

CHILDREN

See also MINORS.

Orphans, *See* CHARITIES — ORPHANS AND ABANDONED CHILDREN.

Adoption not to be authorized by local, private or special law. (Ala. IV 104; Ark. V 24; Cal. IV 25; Fla. III 20; Ida. III 19; Ky. 59; La. 48; Minn. IV 33; Miss. IV 90; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.C. III 34; Tex. III 56; Wash. II 28; Wyo. III 27.)

Not to be adopted or legitimated by legislature, but power to be conferred on courts by general laws. (Tenn. XI 6.)

Legitimation not to be authorized by local, private or special law. (Ala. IV 104; Ark. V 24; Cal. IV 25; Fla. III 20; Ida. III 19; Ky. 59; La. 48; Minn. IV 33; Miss. IV 90; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.C. III 34; Tex. III 56; Wyo. III 27.)

Not to be legitimated by private law, but general law may regulate. (N.C. II 11.)

Legislature to have no power to change names of legitimate children, but shall prescribe by law manner in which such power shall be exercised by courts. (Ga. III Sec. VII 18.)

Prohibition of grant by state to association, corporation or private undertaking not to prevent legislature from making provision for education and support of juvenile delinquents as seems proper to it. (N.Y. VIII 9, 14.)

Juvenile courts established, with great detail. (La. 118.)

No police officer, sheriff, probation officer or other peace officer arresting a child in the commisison of a violation of any of the provisions of this constitution, or under any other circumstances to place said child in any police station, jail or other lockup or book said child in any police station, or jail, with any offense, or make any record in said station or

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CHILDREN (*Cont'd*)

jail of such arrest; and any officer violating any of the terms of this article to be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $100. (La. 118, 4.)

General trial court to have exclusive original jurisdiction in matters affecting dependent, neglected, incorrigible or delinquent children or children accused of crime, under the age of 18 years. Judges must hold examinations in chambers of all such children concerning whom proceedings are brought in advance of criminal prosecution and may suspend criminal prosecution for any offenses committed by such children. Powers of judge to control children as prescribed by law. (Ariz. VI 6.)

In counties and cities and counties having population exceeding 100,000 exclusive original jurisdiction in cases involving minors and persons whose offenses concern minors, may be vested in separate court. (Colo. VI 1.)

Legislature may establish juvenile courts. (N.M. VI 1.)

For reformatories, See PENAL INSTITUTIONS — REFORMATORIES — ESTABLISHMENT AND SUPPORT.

For children in prison, See PENAL INSTITUTIONS — PRISONS — INMATES.

CIRCUIT COURTS, *See* COURTS — GENERAL TRIAL COURTS.

CITIES

Under this title are digested all provisions relating specifically to this class of municipalities. For provisions relating to municipalities generally, and hence to this class, See MUNICIPALITIES.

INCORPORATION AND ORGANIZATION

For provisions relating to power of city or combined city and county to frame its charter, See MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

For provisions relating to initiative and referendum, See INITIATIVE AND REFERENDUM.

In General

Legislature to constitute by law. (Vt. Ch. 2 Sec. 6.)

Legislature to provide for organization. (N.Y. XII 1; N.C. XIII 4; Wis. XI 3.)

Legislature to provide for organization by general laws. (Ark. XII 3; Colo. XIV 13; Kan. XII 5; Mo. IX 7; Nev. VIII 8; Ohio XIII 6.)

Legislature to provide for incorporation by general law. (Mich. VIII 20; Ohio XVIII 2.)

Municipal corporations with population over 5,000 are classified as cities and all others as villages. Method of transition from class to class to be regulated by law. (Ohio XVIII 1.)

Legislature to provide for incorporation and organization by general laws subject to provisions of this article. (Ariz. XIII 1; Okla. XVIII 1.)

Legislature to provide for incorporation and organization by general laws which may be altered, amended, or repealed. (Cal. XI 6; Utah XI 5; Wash. XI 10.)

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CITIES (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

In General (*Cont'd*)

Legislature to provide for incorporation and organization by general laws which may be altered, amended or repealed by general laws. (Ida. XII 1.)

Legislature required to pass within time fixed by constitution general laws for government of cities in accordance with constitution. (Ky. 166.)

Special or local legislation for incorporation of, forbidden. (Ala. IV 104; Ariz. IV 19, 17; Ill. IV 22; Iowa III 30; Minn. IV 33; Mo. IV 53; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.C. III 34; S.D. III 23; Tex. III 56; Wyo. III 27.)

Special or local legislation for amendment of charters, forbidden. (Ariz. IV 19; Ill. IV 22; Mo. IV 53; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.C. III 34; S.D. III 23; Tex. III 56; Wyo. III 27.)

Private or special legislation for incorporation or amendment of charter forbidden. (Wis. IV 31.)

Private or special legislation for amendment of charters, forbidden. (Utah VI 26, 12.)

Cities having 5,000 population or less "may be chartered alone by general law". (Tex. XI 4.)

Legislature, or people by initiative may enact general law providing method whereby incorporated city may surrender its charter and be merged into adjoining city, provided majority of electors of each incorporated city, town or municipal corporation affected authorize such surrender or merger. (Ore. XI 2a.)

By local or special legislation in those containing population of less than 2,000 incorporation and amendment of charters forbidden. (W.Va. VI 39.)

Until otherwise provided by law cities incorporated under territory to "continue their corporate existence under the laws extended in force in the state"; valid ordinances to continue in force until altered, amended or repealed. (Okla. Sched. 10.)

Cities existing under special charter time adoption of constitution may be reorganized under general laws and when so reorganized special charters to cease. (S.C. VIII 1.)

Cities existing under special charters or general laws of territory may abandon charter and reorganize under general laws of state. (Wyo. XIII 1.)

Those organized prior to adoption constitution may organize under general laws passed for that purpose whenever majority of electors voting at general election so determine, "and shall organize in conformity therewith". (Cal. XI 6.)

Legislature to make provision by general law whereby cities incorporated by special or local law may elect to become sub-

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CITIES (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

In General (*Cont'd*)

ject to and be governed by general law relating to such corporations. (Colo. XIV 14; Mo. IX 7.)

Cities incorporated prior to adoption of constitution may become organized under general laws for incorporation, organization and classification of cities whenever majority electors at general election shall determine under provision therefor made by legislature. (Ida. XII 1.)

All acts of incorporation and amendments prior to constitution except that respecting election of officers as provided by the constitution to continue in force until legislature provides by general law for government of; and time limit fixed within which legislature required to provide therefor by general laws. (Ky. 166.)

General laws to be passed to provide for government; and additional laws may be passed for government of municipalities which adopt same; but no such additional law shall become operative in any municipality until submitted to electors thereof and affirmed by majority of those voting thereon under regulation established by law. (Ohio XVIII 2.)

Adoption of general laws by those previously organized or incorporated authorized when majority of electors voting at general election shall so determine "and shall organize in conformity therewith". (Wash. XI 10.)

Organization of each class to be provided for by general laws "so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions". (Ky. 156.)

Legislature to pass general laws under which cities may be chartered and charters amended; all of which are subject to repeal and amendment. (Miss. IV 88.)

"May be chartered" when majority of electors of town or borough of 10,000 population shall vote in favor of at general election. (Pa. XV 1.)

Not to be organized without consent of majority of electors residing and entitled to vote within district proposed to be incorporated. Such consent to be ascertained in manner and under regulations prescribed by law. (S.C. VIII 2.)

Legislature may, subject to specified conditions, pass local, special or general law providing charter or scheme of local, municipal government for Chicago. Legislature's charter may consolidate with the city government the powers previously vested in the city, board of education, township, park and other local governments and authorities having jurisdiction confined to or within territory of Chicago, or any part thereof and provide for assumption by city of debts and liabilities of the government or corporate authorities whose functions shall be vested in the city. (Ill. IV 34.)

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CITIES (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

In General (*Cont'd*)

General annexation and consolidation statutes to apply to city and county of Denver same as to city if it had not been consolidated with county. Contiguous towns, city or territory subsequently annexed to or consolidated with city or county under laws of state to be detached from county in which located and become "a municipal and territorial part of" city and county with all its property. (Colo. XX 1.)

All incorporated communities having population more than 5,000 within defined boundaries to be cities. In determining population, legislature to be governed by last United States census or other enumeration under its own authority. Legislature to enact general laws for organization and government of cities, and no special act to be passed in relation thereto except in manner provided in article IV, and then only by recorded vote of two-thirds of members elected to each house, and except in case of cities having more than 50,000 inhabitants. But each city having at time of adoption of this amendment a municipal charter may retain same except so far as it may be repealed or amended by legislature, provided that every such charter is hereby amended to conform to this constitution. Legislature may, however, depart from form of organization or government prescribed in this article and provide such forms of municipal government as it deems best, but no such form to become operative except in cities adopting by vote of qualified electors. Laws or charters enacted pursuant to provisions of this section to be subject to provisions of constitution relating to judges, the clerks of courts, attorneys of commonwealth, commissioners of revenue and city treasurers and sergeants. (Va. VIII 116, 117.))

Local or special legislation changing the lines of, forbidden. (Minn. IV 33.)

Classification

Legislature by general laws to provide for classification in proportion to population subject to provisions of this article. (Ariz. XIII 1; Okla. XVIII 1.)

Legislature may provide for classification by general law. (Ark. XII 3.)

Legislature to provide by general laws for classification in proportion to population, which laws may be altered, amended or repealed. (Cal. XI 6; Utah XI 5; Wash. XI 10.)

Legislature to provide for classification by general laws in proportion to population, which laws may be altered, amended or repealed by general laws. (Ida. XII 1.)

Legislature to provide for classification by general law, number of classes not to exceed four. (Colo. XIV 13; Mo. IX 7.)

"For the purposes of their organization and government" cities and towns to be divided into six classes: 1st class, cities of

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CITIES (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

Classification (*Cont'd*)

100,000 or more; 2nd class, cities of 20,000 and less than 100,000; 3rd class, cities and towns with 8,000 and less than 20,000; 4th class, cities and towns with 3,000 and less than 8,000; 5th class, cities and towns with 1,000 and less than 3,000; 6th class, towns with less than 1,000. Legislature to assign new cities to proper classes at first session after their organization and change as population increases or decreases; and in absence of other satisfactory evidence of population to be governed by last United States census; and no transfer from one class to another to be made except by law previously passed and providing therefor. (Ky. 156.)

Application of general laws relating to cities may be limited to cities of over 50,000, or to cities of 50,000 and not less than 20,000, or to cities of 20,000 and not less than 10,000, or to cities of 10,000 or less. (Minn. IV 36.)

First class, 175,000 or more; second class, 50,000 and less than 175,000; third class, all other cities. To be determined according to the latest state enumeration. (N.Y. XII 2.)

Legislature may classify cities by population for purposes of this article; but maximum population for any class shall exceed minimum for same class by at least 10,000. Legislature may at request of any city having population more than 50,000 grant special form of government for such city. (Va. VIII 117.)

Relation to County Government

Legislature may provide by general laws for performance by county officers of certain municipal functions of incorporated cities when majority of electors such city voting at general or special election so determine. (Cal. XI 6.)

Cities framing their own charters may by provision therein or amendment provide for performance by county officers of certain municipal functions when discharge of such functions is authorized by general law or by county charter framed under constitution. (Cal. XI 6.)

"City and county governments may be merged and consolidated into one municipal government with one set of officers" and incorporated under general laws providing for organization of corporations for municipal purposes. In such case provisions of constitution applicable to counties, so far as not inconsistent or prohibited to cities, also those applicable to cities, to be applicable to consolidated government. (Cal. XI 7.)

City of Denver with part of county and those municipal corporations included within city's boundaries as existing time amendment to constitution takes effect consolidated and declared to be "single body politic and corporate" by name "city and county of Denver"; property of former city and municipal corporation transferred thereto; also all property of county merged; "city and county" to assume and manage

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CITIES (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

Relation to County Government (*Cont'd*)

all trusts, succeed to rights and liabilities, assume and pay bonds, obligations and debts of former cities and county; general corporate powers specified. (Colo. XX 1.)

Legislature may organize city of 100,000 into separate county without regard to geographical extent if majority of electors of city and the balance of county voting on question shall each approve. (Mich. VIII 2.)

Legislature may organize city of 20,000 into separate county without reference to geographical extent when majority of electors of county in which such city is located voting on the proposal favor such separate organization. (Minn. XI 2.)

In those having city of over 100,000 inhabitants "the city and county government thereof may be consolidated" in manner provided by law. (Mo. IX 15.)

Powers or duties of board of supervisors "may devolve upon the municipal assembly, common council, board of aldermen or other legislative body of the city". (N.Y. III 26.)

"For county governmental purposes" city is separated from remainder of county; city not to participate in election of commissioners of fiscal court (county commissioners). (Ky. 144.)

Legislative Department

Legislative board or council to be elected by qualified voters thereof; in case of cities of first and second class divided into wards, members of council to be elected at large by qualified voters but so selected that equal number thereof shall reside in each ward; and when in any city of first, second or third class there are two legislative boards the less numerous shall be selected from and elected by voters at large of city. Term of members to be two years and until qualification of successor. (Ky. 160.)

Councils of Baltimore to consist of two branches, known as first branch and second branch, each to have such number of members and to perform such duties and possess such powers as prescribed by law. Members of both branches to have qualifications of mayor or as prescribed by law; to be elected on dates, and have terms fixed by constitution or prescribed by law; to receive such compensation as provided by law; and not to hold during term any other office of profit or trust under ordinance or law relating to city or any position, the compensation of which is paid directly or indirectly out of the city treasury. Details as to regular and special sessions. Ordinances in force at time adoption constitutional provision and not inconsistent therewith continued until changed in due course. Legislature may change. (Md. XI 2, 3, 4, 5, 8, 9.)

All limitations of powers of councils imposed by this article to apply in like manner to principal legislative authority under

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CITIES (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

Legislative Department (*Cont'd*)

any form of government authorized hereunder, and term council to be construed to include any body vested with principal legislative authority of municipality. In every city there shall be a council of two branches having different number of members, except that in cities under 10,000 legislature may permit council to consist of one branch. Legislature to be elected by qualified voters and manner of election, powers and duties to be prescribed by law. No member to be eligible during his tenure of office or for one year thereafter to any office filled by council, by election or appointment. Council may increase or diminish number of and change boundaries of wards, and shall in 1903 and every tenth year thereafter reapportion the representation in council among the wards and on failure to do so may be compelled by mandamus. Councils to be elected on second Tuesday in June and terms to begin on first day of September succeeding. Legislature may change time of election subject to certain limitations. Mayor to have power to veto ordinances and also particular items of appropriation ordinances. (Detailed provisions for number of votes necessary to pass ordinances and to repass ordinances over veto.) (Va. VIII 117, 121, 122, 123.)

OFFICERS

See also PUBLIC OFFICERS.

See also below, this title, CORRUPT PRACTICES.

In General

Officers of city and county of Denver to be such as by appointment or election may be provided for "by the charter". Jurisdiction, terms, duties and qualifications to be as in charter provided. If such officers receive any compensation same to be received as stated salary in amount to be fixed by charter and paid out of treasury monthly. (Colo. XX 2.)

Special provisions in case amendment providing for consolidation of city and county of Denver be adopted respecting merger and terms of existing officers and their interim powers and duties. (Colo. XX 2.)

Legislature may abolish all offices in Chicago; the functions of which shall be otherwise provided for. (Ill. IV 34.)

Accounting for Public Funds

To be required by law to keep account of and pay into proper treasury all fees collected, and officer whose duty it is to collect shall be made responsible under his bond for neglect to collect. (Utah XXI 2; Wyo. XIV 2.)

Legislature to provide for examination of books, accounts and statements of city officers charged with collection and disbursement public funds. (Va. VII 115.)

Appointment

Local or special legislation relating to appointment of, forbidden. (Minn. IV 23.)

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CITIES (*Cont'd*)

OFFICERS (*Cont'd*)

Compensation

See also below, this title, FINANCES — EXPENDITURES, RESTRICTIONS UPON — EXTRA COMPENSATION TO OFFICERS.

Compensation not to be increased after election or during term. (Cal. X 9.)

Compensation not to be changed after election or appointment or during term. (Ky. 161.)

Compensation not to be increased or diminished after election or during term. (Wash. XI 8.)

To be paid fixed and definite salaries (except constables). (Utah XXI 1.)

To be paid "fixed and definite salaries"; legislature to fix if not fixed by constitution and to be "in proportion to the value of services rendered and the duty performed". (Wyo. XIV 1.)

No city officer to receive for salary, fees and perquisites, more than $5,000 "net profits per annum in par funds" and sums in excess of this amount to be paid into city treasury as directed by "appropriate legislation". (Ark. XIX 23.)

In cities having population of 75,000 or more sheriff, jailers and marshals (?) to be paid out of state treasury by salary fixed by law; but salaries of such officers and their deputies and necessary office expenses not to exceed 75 per cent. of fees collected by them respectively and paid into treasury. (Ky. 106.)

Compensation of commissioner of revenue to be prescribed by law. (Va. VIII 119.)

Local or special legislation fixing or relating to compensation or salary of, forbidden. (Minn. IV 23.)

Corrupt Practices, *See below, this title,* CORRUPT PRACTICES.

Creation of Offices

Local or special legislation creating offices, forbidden. (Cal. IV 25; Ida. III 19; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; Wyo. III 27.)

Election

See also ELECTIONS.

Special or local legislation providing for election of members of boards of supervisors forbidden. (Ill. IV 22; N.D. II 69.)

Chief executive to be elected by qualified voters. (Ky. 160.)

Electors of city of New Orleans or any political corporation within its limits to have right to choose public officers charged with exercise of police power and administration of affairs of said corporation. Provision not to apply to Board of Liquidation of City Debt nor to specified kinds of boards and commissions. (La. 319.)

Details as to qualifications of electors of mayor of Baltimore, time and manner of election, all of which legislature may change. (Md. XI 1, 9.)

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CITIES (*Cont'd*).
OFFICERS (*Cont'd*)
Election (*Cont'd*)
Qualified electors in state resident for six months in city prior to election to be qualified to vote for mayor. (Tex. VI 3.)
In every city there shall be elected as provided by law one commissioner of revenue, one city treasurer, one city sergeant and a mayor. (Va. VIII 119, 120.)
Mayor to be elected on second Tuesday in June. Legislature may change except that election of mayor shall not occur at same time with election of other elective officers provided by constitution. (Va. VIII 122.)
Fees
Local or special legislation fixing or relating to fees of, forbidden. (Minn. IV 23.)
Place of Office
To keep at such place in city as prescribed by law. (Ky. 234; Ore. VI 8.)
Powers and Duties
Shall perform such duties as prescribed by law. (Ore. VI 8.)
Mayor to be chief executive officer and to see that duties of various city officers and members of police and fire departments are faithfully performed. To have power to investigate their acts, have access to books and documents and to examine them and their subordinates on oath, but evidence so given by any persons not to be used against them in criminal proceedings. To have power to suspend and remove such officers, and the members of police and fire departments as provided by legislature, but no removal to be made without notice and opportunity to be heard or without right to appeal to court. To have all other powers and duties conferred upon him by general law. Duties of commissioner of revenue and city sergeant to be prescribed by law. (Va. VIII 119, 120.)
Local or special legislation prescribing powers and duties of forbidden. (Cal. IV 25; Ida. III 19; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; Wyo. III 27.)
Qualifications and Disqualifications
In General
Legislature to prescribe qualifications. (Ky. 160.)
Qualifications of mayor of Baltimore: "person of known integrity, experience and sound judgment"; 25 years of age; citizen of United States; five years resident of city; assessed with property in the city to amount of $2,000 on which paid taxes for two years, all of which legislature may change. (Md. XI 1, 9.)
Any person qualified to vote at general elections to be eligible to any office, subject to such additional qualifications as may be prescribed by legislature for city offices. (Mont. IX 11.)

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CITIES (*Cont'd*)

OFFICERS (*Cont'd*)

Qualifications and Disqualifications (*Cont'd*)

In General (*Cont'd*)

Every person qualified to vote to be eligible to office in the city where he resides except as otherwise provided in the constitution and except that this does not apply as to residence to office elective by people where law provides otherwise. (Va. II 32.)

Dual Office Holding

Officers and employees of or of "municipal board, commission or trust in any city" not eligible to serve as election officer. (Ark. III 10.)

No state officer or deputy or member of legislature to be officer or employee of city; but notary public or officer of militia not to be ineligible. (Ky. 165.)

Mayor or member of council of Baltimore not to hold during term any other office of profit or trust under ordinance or law relating to city or any position, the compensation of which is paid directly or indirectly out of city treasury; legislature may change. (Md. XI 5, 9.)

"In cities or counties having more than 200,000 inhabitants, no person shall, at the same time, be a state officer and an officer of any county, city or other municipality; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities; but this section shall not apply to notaries public, justices of the peace or officers of the militia." (Mo. IX 18.)

No person eligible to legislature who is or who has been within 100 days previous to his election an officer under any city government. (N.Y. III 8.)

Member of legislature not to receive "any civil appointment * * * from any city government" during time for which elected; such appointment or votes for his election void; acceptance after election to legislature of appointment to any office under any city government vacates his seat. (N.Y. III 7, 8.)

No person holding "office, appointment or employment in or under any city or municipal board, commission or trust" therein (except justices of the peace and aldermen) to be qualified to serve as election officer until two months after expiration of such office or appointment. (Pa. VIII 15.)

No election officer to be eligible to any office filled at election at which he serves, except "such subordinate, municipal or local officers below the grade of city or county officers as shall be designated by law". (Pa. VIII 15.)

Persons holding elective office of trust or profit not to be appointed to election office. (Va. II 31.)

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CITIES (*Cont'd*)

OFFICERS (*Cont'd*)

Removal

See also above, this subdivision, POWERS AND DUTIES.

Legislature to prescribe causes for and manner of removal. (Ky. 160.)

In case of elected officers removal to be in manner and for cause prescribed by law. (Mich. IX 8.)

"On conviction in a court of law of wilful neglect of duty or misbehavior in office" mayor of Baltimore may be removed by governor and successor to be elected "as in case of vacancy", subject to change by legislature. (Md. XI 6, 9.)

Legislature to provide in addition to other penalties for removal of on conviction of wilful, corrupt or fraudulent violation or neglect of official duty. (Mo. XIV 7.)

Mayor, intendants and all other officers of incorporated cities may be removed by circuit or other court of like jurisdiction or criminal court of city in which such officers hold office as prescribed by law, provided, that right to jury trial and appeal be secured, for following causes: "wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith". Penalty not to extend beyond removal and disqualification from holding office under authority of state for term for which removed officer elected or appointed, but accused to be liable to indictment or punishment as prescribed by law. (Ala. VII 175, 173, 176.)

Residence

Officers to reside in city. (Ky. 234.)

Rotation in Office

No chief executive or fiscal officer of city of first or second class to be eligible for succeeding term; "fiscal officer" not to include auditor or assessor or any officer whose chief duty is not the collection or holding of public moneys. (Ky. 160.)

Selection

Other than chief executive and members of councils to be elected by qualified voters or appointed by local authorities as legislature by general law provides. (Ky. 160.)

If not provided for by constitution, shall be elected by electors of city or division thereof or shall be appointed by such city authorities as legislature shall designate. (N.Y. X 2; Wis. XIII 9.)

Such officers as may be necessary other than those mentioned in the constitution to be elected or appointed as prescribed by law. (Ore. VI 7.)

All city officers whose election or appointment is not provided by constitution to be elected or appointed as legislature designates. (Va. VIII 119, 120.)

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CITIES (*Cont'd*)

OFFICERS (*Cont'd*)

Term

Term not to be extended beyond time for which elected or appointed. (Cal. XI 9; Ky. 161; Wash. XI 8.)

Term of chief executive and of elected officers other than members of councils to be four years and until successors qualify. (Ky. 160.)

In New Orleans commencement of term to be first Monday in December following election until otherwise provided by law. (La. 207.)

Special provision for commencement of term of mayor of Baltimore elected under amendment. (Md. XI 1.)

Terms to expire at end of odd numbered year, but this does not apply to cities of third class. (N.Y. XII 3.)

Term to commence first Monday of December in odd numbered year until legislature provides otherwise. (Pa. Sched. 2.)

Commissioner of revenue, city treasurer, city sergeant and city mayor to serve for terms of four years. Term of mayor to begin first day of September succeeding his election and terms of all other elective officers to begin on first day of January succeeding election. Legislature may change except that the beginning of term of mayor not to occur at same time as the beginning of terms of other elective officers provided for by constitution. (Va. VIII 119, 120, 122.)

Vacancies

Vacancies to be filled in manner prescribed by law. (Ky. 160; Ore. VI 9.)

EMPLOYEES

See also LABOR — PUBLIC WORKS.

Not eligible to serve as election officers. (Ark. III 10.)

All appointments and promotions in civil service of to be made "according to merit and fitness to be ascertained so far as practicable by examination which so far as practicable shall be competitive"; but citizen veterans of Civil War resident in state to be entitled to preference without regard to standing on eligible list; laws to be passed to enforce this section. (N.Y. V 9.)

Legislature may regulate and fix wages and salaries and hours of work and make provision for protection, welfare and safety of. (N.Y. XII 1.)

"Appointments and promotions in the civil service * * * shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations." Legislature to enforce this provision. (Ohio XV 10.)

CORRUPT PRACTICES

Illegal Use of Funds

Making a profit out of public money or using for purpose not authorized by law by any officer having possession or control thereof to be felony; prosecuted and punished as prescribed by law. (Cal. XI 17; Mo. X 17; Wash. XI 14; Wyo. XV 8.)

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CITIES (*Cont'd*)

CORRUPT PRACTICES (*Cont'd*)

Illegal Use of Funds (*Cont'd*)

Receiving by officer of any interest, profit or perquisite arising from use or loan of public funds in his hands or moneys to be raised through his agency for state, city, town, district or county purposes to be felony, punished as prescribed by law, including disqualification to hold office. (Ky. 173; Okla. X 11.)

Making profit out of or using for unauthorized purpose to be felony and punished as provided by law. (S.D. XI 11.)

Interest in Contracts

Neither mayor, members of council nor any other officer under city of Baltimore to be interested while holding such office in contract to which city is party; legislature may change. (Md. XI 5, 9.)

No public officer or member of legislature to be interested directly or indirectly in contracts authorized by any law passed or order made by board of which he is or was member during term for which he was chosen or within one year after termination of term. (Miss. IV 109.)

Member of legislature or state officer not to be interested in contract authorized by law passed during his term or within one year after its termination. (Nebr. III 13.)

Free Transportation

See also PUBLIC OFFICERS — FREE PASSES, ETC.

Common carrier forbidden to give free pass or reduced rates and officer forbidden to accept under penalty of forfeiture of office. Legislature to enforce. (Ky. 197.)

POWERS AND RIGHTS

See also this title generally.

For provisions relating to power of city or combined city and county to frame its charter, See MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

For provisions relating to eminent domain and excess condemnation, See EMINENT DOMAIN.

For provisions relating to taxation, See TAXATION.

For provisions relating to special assessments for benefits, See TAXATION — SPECIAL ASSESSMENTS.

For provisions relating to sale of liquors, See LIQUORS.

In General

Cities authorized to make and enforce within limits such local, police, sanitary and other regulations as are not in conflict with general laws. (Cal. XI 11; Wash. XI 11.)

Cities organized under charters adopted under constitutional provisions relating to local framing of charters may "make and enforce all laws and regulations in respect to municipal affairs subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to control by general laws". (Cal. XI 6.)

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CITIES (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

In General (*Cont'd*)

Incorporated cities may make and enforce within limits such local, police, sanitary and other regulations as are not in conflict with charter or general laws. (Ida. XII 2.)

Legislature may by general law confer upon councils of cities all such powers of local and special legislation as it deems expedient not inconsistent with constitution. (Va. IV 65.)

Powers of each class to be defined by general laws so that all municipal corporations of the same class shall possess same powers and be subject to the same restrictions. (Colo. XIV 13; Ky. 156; Mo. IX 7.)

Cities "may acquire, own, establish and maintain either within or without corporate limits parks, boulevards, cemeteries, hospitals, almshouses and all works which involve the public health or safety". (Mich. VIII 22.)

Right to reasonable control of streets or alleys and public places reserved to city. (Mich. VIII 28.)

Legislature to delegate necessary power to incorporated cities for location of Chinese within prescribed portion of city, and for removal of Chinese without city limits. (Cal. XIX 4.)

Board of commissioners of port of New Orleans authorized to build and operate canal connecting Lake Pontchartrain and the Mississippi, and to expropriate all property necessary therefor. Location to be fixed by commission council of city and plans to be approved by commissioners of port, commission council, board of levee commissioners of Orleans levee district, and state board of engineers. (La. 322, Sec. 3, Amend. 1914.)

Cities of first and second class may incur debt for specified purposes for public buildings, structures and grounds and other public improvements, which improvements may be within or outside the corpofate limits of the municipality. (Ark. XVI 1.)

Legislature may enact laws authorizing cities to pension meritorious and disabled firemen. (Okla. V 41.)

Restrictions Upon

In General

No city to "abridge elective franchise". (Mich. VII 25.)

Rights in and to water front, wharves, public landings, docks, streets, avenues, parks, bridges and other public places, and its gas, water and electric works, not to be sold except by ordinance or resolution. (Detailed provisions as to number of votes necessary for passage and for passage over veto.) Nothing herein contained to prevent legislature from prescribing additional restrictions on power to sell or lease property or as repealing any such restriction now required in any existing charter. (Va. VIII 125.)

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CITIES (*Cont'd*)
POWERS AND RIGHTS (*Cont'd*)
Restrictions Upon (*Cont'd*)
Stock and Bond Holding
Not to become subscriber to or shareholder in any company or corporation. (Ariz. IX 7; Colo. XI 2; Mont. XIII 1; N.D. XII 185.)
Not to become stockholder in company, association or corporation. (Ark. XII 5.)
Not to subscribe to stock or purchase bonds of any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)
Not to become shareholder in any private corporation or company. (Del. VIII 8; Wyo. XVI 6.)
Not to become by vote of its citizens or otherwise stockholder in any joint stock company, corporation or association. (Ida. XII 4.)
Not to become subscriber to or owner of stock or interest therein of any railroad, private corporation or association. (Nebr. XIa 1.)
Not to become stockholder in joint stock company, corporation or association, except railroad corporations, companies or associations. (Nev. VIII 10.)
Not to become directly or indirectly owner of stocks or bonds of any association, company or corporation. (N.J. I 19; N.Y. VIII 10; Wash. VIII 7.)
Not to become holder of corporate stock by vote of citizens or otherwise. (Ore. XI 9.)
Not to become "stockholder with others" in company, association or corporation, except on assent of three-quarters qualified voters voting at election thereon. (Tenn. II 29.)
Legislature not to authorize to become stockholder in any company, association or corporation. (Mo. IV 47; Okla. X 17; Pa. IX 7; Tex. III 52.)
Legislature not to authorize city or subdivision thereof to become stockholder in any company, association or corporation. (Ky. 179.)
Legislature not to authorize becoming stockholder in foreign association or corporation. (Fla. IX 10.)
Legislature not to authorize to become stockholder in any corporation, association, or company by issuing bonds or otherwise. (Ala. IV 94.)
No law to authorize cities becoming stockholder in any company by vote of citizens or otherwise; but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)
Legislature not to authorize cities to subscribe to stock or bond in aid of any railroad, telegraph, or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

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CITIES (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

Restrictions Upon (*Cont'd*)

Stock and Bond Holding (*Cont'd*)

City not to subscribe to stock or purchase bonds or make donation to any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution and not to be construed to prohibit legislature from authorizing city to protect by additional appropriation any railroad debt contracted prior to constitution. (Conn. Amend. XXV.)

Subscription to capital stock of any railroad or private corporation by cities forbidden, but this not to affect right to make such subscriptions when authorized under existing laws by vote of people prior to adoption of this amendment. (Ill. Amend. 1870 — Municipal Subscriptions to Corporations.)

City not to become subscriber to stock of railroad or other corporation or association. Authority previously conferred by legislature or by charter of any corporation, repealed; but this does not prevent such subscription where authorized by vote of people prior to constitution or to prevent renewal bonds or other means prescribed by law for payment of such subscription or of any indebtedness prior to constitution. (Miss. VII 183; Mo. IX 6.)

Not to become subscriber to stock of private corporation or association; this not to affect obligations undertaken pursuant to law prior adoption constitution. (Tex. XI 3.)

Not to subscribe to or become interested in "stock or obligations" of company, association or corporation "for the purpose of aiding in the construction or maintenance of its work", but this not to prevent city perfecting subscription to capital stock of railroad company authorized by existing charter provided vote of freeholders of such city in favor of such subscription is had prior to July 1, 1903. (Constitution effective July 10, 1902.) (Va. XIII 185.)

Joint Ownership

Not to become joint owner with any person, company or corporation, except as to such ownership as "may accrue to the state by operation or provision of law". (Ariz. IX 7; Mont. XIII 1.)

Not to become joint owner with any person or corporation, "public or private", "in or out of state" except such ownership as may accrue to city jointly with any person, company or corporation by forfeiture or sale of real estate for non-payment of taxes or by donation or devise for public use or by purchase by or on behalf of any or either of them jointly with any or either of them under

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CITIES (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

Restrictions Upon (*Cont'd*)

Joint Ownership (*Cont'd*)

execution in cases of crimes, penalties or forfeiture of recognizance, breach of condition of official bonds, or of bond to secure public money or the performance of any contract in which they or any of them may be jointly or severally interested. (Colo. XI 2.)

Not to become joint owner in any private corporation, person or company. (Del. VIII 8.)

No law to authorize becoming joint owner in any company, by vote of citizens or otherwise, but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)

CONTROL BY STATE

In General

For legislative restrictions on city's power to borrow money, contract debts and lend credit, See below, this title, DEBT, *and for similar restrictions on city's power to levy taxes, See* TAXATION — LOCAL TAXES.

Local and private acts passed for the benefit of cities not inconsistent with supreme law of this constitution and not expired or repealed prior its adoption to have force of statute law subject to judicial decision as to validity when passed and to limitations imposed by their own terms. (Ga. XII Sec. I 4.)

Detailed provisions of constitution respecting city "not to be so construed or taken as to make the political corporation of Baltimore independent of or free from the control which (legislature) has over all such corporations in this state". (Md. XI 9.)

Legislature may provide general laws relating to affairs of cities the application of which may be limited to cities of over 50,000 or to cities of 50,000 and not less than 20,000, or to cities of 20,000 and not less than 10,000, or to cities of 10,000 or less, which shall apply equally to all such cities of either class and which shall be "paramount" to provisions relating to same matters included in any local charter framed by such cities under provisions of the constitution. No local law enacted thereunder to supersede any general state law defining crimes and misdemeanors. (Minn. IV 36.)

Despite provisions of constitution authorizing city to frame its own charter, legislature to have "same power over the city and county of St. Louis that it has over other cities and counties of this state". (Mo. IX 25.)

Laws relating to "property, affairs or government of cities and the several departments thereof" divided into "general and special city laws". General laws relate to all cities of one or more classes and special laws relate to single city or less than

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CITIES (*Cont'd*)

CONTROL BY STATE (*Cont'd*)

In General (*Cont'd*)

all of a class. Passage of special laws prohibited except in conformity with following provisions: After passage by both houses, originating house to transmit certified copy to mayor. Mayor shall return within 15 days to originating house, or if session terminated to governor, with his certificate thereon stating whether city has accepted. In cities of first class, the mayor to have power to accept; but legislature may provide for concurrence of legislative body; in cities other than those of first class, mayor and legislative body concurrently. Legislature to provide for public notice and opportunity for public hearing in city affected before city's action. Bills for special laws relating to more than one city to be sent to mayor of each and not to be deemed accepted unless accepted by all. Bills accepted by cities affected to be subject as other bills to governor's action. If not returned within 15 days or returned without approval bill may be repassed by both houses and thereupon be subject to governor's action. Titles of accepted bills to be followed by words "accepted by the city" or "cities", and of bills passed without acceptance by words "passed without the acceptance of the city" or "cities". (N.Y. XII 2.)

Legislature to provide by general laws for extension and contraction of corporate limits and no special acts for such purposes to be valid. (Va. VIII 126.)

Cities "heretofore or hereafter organized" shall be subject to and controlled by general laws. (Wash. XI 10.)

Restrictions Upon

Legislature not to delegate to any special commission, private corporation, company, association or individual "any power to make, control, appropriate, supervise or in any way interfere with any city" improvement, money, property or effects whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal functions whatever, but legislature may provide for supervision and conduct of affairs of irrigation districts, reclamation districts or drainage districts. (Cal. XI 13.)

No law based on provision of constitution authorizing legislative charter for Chicago, to take effect until approved by majority legal voters of city voting thereon at general, municipal or special election; and no such local or special law affecting specially any part of the city to take effect until approved by majority of legal voters of such part of city voting on question at such election. (Ill. IV 34.)

Legislature may provide for change of boundaries of Chicago by annexation or disconnection of territory by consent of majority legal voters of city, and of such territory, voting on question at general, municipal or special election. (Ill. IV 34.)

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CITIES (*Cont'd*)

CONTROL BY STATE (*Cont'd*)

Restrictions Upon (*Cont'd*)

Legislature not to enact indirectly any special or local act by exempting from the operation of a general act. (Ky. 60.)

Streets, alleys or public ground in any city not to be vacated or altered by legislature. (Mich. VIII 27.)

Local or special legislation regulating affairs of, forbidden. (Minn. IV 33; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Local or special legislation legalizing unauthorized or invalid acts of officers of city, prohibited. (Ky. 59.)

FINANCES

For provisions incidentally relating to finances, See also above, this title, "POWERS AND RIGHTS", *and* "CONTROL BY STATE".

In General

Any citizen may institute suit in behalf of himself and others interested to protect inhabitants of city against "enforcement of any illegal exactions whatever". (Ark. XVI 3.)

When city maintains institutions for support of dependent children and aged persons it is entitled to receive same *pro rata* appropriations as state grants to similar institutions under church or other control. (Cal. IV 22.)

One-half net amount of all parish taxes and licenses, levied and collected within corporate limits of Baton Rouge to be paid over for use of said city. (La. 282.)

Occupation taxes, licenses, fines, forfeitures, penalties and other duties accruing "to be collected only in current money". (Tex. XI 4.)

Deposits

All moneys, assessments and taxes belonging to or collected for the use of cities coming into hands of any officer to be immediately deposited with treasurer or other legal depositary to its credit for benefit of fund to which belonging. (Cal. XI 16; Wash. XI 15.)

All city money except as otherwise provided in constitution shall whenever practicable be deposited in a national bank or bank incorporated under laws of state; bank to furnish security approved as provided by law and to pay reasonable rate of interest, such interest to accrue to the fund from which it is derived. (Wyo. XV 7.)

Claims by and Against

"In all cases of allowances made for or against" city appeal to lie to circuit court at instance of party aggrieved or on intervention of citizen or resident and taxpayer of city on terms and conditions on which appeals granted to that court in other cases. Matter to be tried *de novo*. Citizen appealing to give bond payable to city, conditioned to prosecute appeal and save city from costs thereon. (Ark. VII 51.)

Obligations due city not to be remitted, released or postponed or in any way diminished except by payment into proper

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CITIES (*Cont'd*)

FINANCES (*Cont'd*)

Claims by and Against (*Cont'd*)

treasury; not to be exchanged or transferred except upon payment of its face value; but legislature may provide by law for the compromise of doubtful claims. (Miss. IV 100.)

Local or special legislation releasing indebtedness, liability or obligation of person or corporation to city, forbidden. (Nev. IV 20.)

Execution not to issue on judgment against incorporated city or against any officer therein in his official capacity and for which the city is liable; such judgment shall be paid out of the proceeds of a tax levy and when so collected shall be paid by the "county treasurer" to the judgment creditor. (N.M. VIII 7.)

Expenditures, Restrictions Upon

For similar restrictions upon city's power to incur debts or liabilities, See below, this title, DEBT.

In General

Not to be authorized or permitted to pay claim under contract made without express authority of law. (Ky. 162.)

Not to pay any debt or interest thereon contracted directly or indirectly in aid of the rebellion. (N.C. VII 13.)

Not to pay any debt or obligation created by such city in aid of Civil War. (Va. XIII 186.)

Aid to Private Enterprise

Donations to railroad or private corporation prohibited. (Ill. Amend. 1870. Municipal Subscriptions to Corporations.)

City not to make appropriation in aid of any railroad or other corporation or association. (Miss. VII 183.)

Not to appropriate or obtain money for any company, association or corporation. (Ark. XII 5.)

Not to appropriate money to any private corporation, person or company. (Del. VIII 8.)

Not to make donation or grant by subsidy or otherwise to individual, association or corporation. (Ariz. IX 7; Mont. XIII 1.)

Not to make by vote of citizens or otherwise donation to or in aid of any joint stock company, corporation or association. (Ida. XII 4.)

Not to make donation or grant to or in aid of any person, company or corporation, "public or private" in or out of state. (Colo. XI 2.)

Not to give or loan money to or in aid of any individual, association or corporation. (N.J. I 19.)

Not to make donation to or in aid of individual, association or corporation, except for necessary support of poor. (N.D. XII 185; Wash. VIII 7; Wyo. XVI 6.)

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CITIES (*Cont'd*)
FINANCES (*Cont'd*)
Expenditures, Restrictions Upon (*Cont'd*)
Aid to Private Enterprise (*Cont'd*)
Not to give money or property or lend money to or in aid of any individual, association or corporation; but this not to prevent making such provision for aid and support of its poor as may be authorized by law. (N.Y. VIII 10.)
Not to make appropriation or donation to private corporation or association; this not to affect obligations undertaken pursuant to law prior adoption constitution. (Tex. XI 3.)
Appropriation or donation to or in aid of railroad or other corporation or association, or "college or institution of learning or other institution whether created for or to be controlled by the state or others", forbidden. Authority previously conferred by legislature or by any corporate charter repealed; but does not prevent payment of subscription to corporate stock made or approved by people prior to constitution or the payment of then existing debt. (Mo. IX 6.)
Not to make appropriation or pay from any public fund or grant anything to or in aid of religious sect, church, creed or sectarian purpose or help to support or sustain any school, college, university, hospital or other institution controlled by any religious creed, church or sectarian denomination, but this does not prevent legislature granting aid to institutions for the support and maintenance of dependent children and indigent aged persons authorized by constitution. (Cal. IV 30.)
Legislature not to authorize city to obtain or appropriate money for or levy tax for any corporation, association or individual. (Okla. X 17.)
Legislature not to authorize obtaining or appropriating money by city for corporation, association, institution or individual. (Fla. IX 10.)
Legislature not to authorize appropriation of money by city to "any corporation, association, institution or individual". (Pa. IX 7.)
Legislature not to authorize city to grant public money or thing of value to or in aid of individual, association or corporation. (Tex. III 52.)
Legislature not to authorize to grant public money or thing of value to or in aid of individual, association or corporation by issuing bonds or otherwise. (Ala. IV 94.)
Legislature not to authorize city to appropriate money to any corporation, association or individual except for purpose of constructing or maintaining bridges, turnpike roads or gravel roads. (Ky. 179.)

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CITIES (*Cont'd*)

FINANCES (*Cont'd*)

Expenditures, Restrictions Upon (*Cont'd*)

Aid to Private Enterprise (*Cont'd*)

Legislature not to authorize grants of public money to or in aid of individual or association or corporation. But this not to be construed to prevent legislature authorizing cities which have organized fire department to create, maintain and manage fund taken from municipal revenue for pensioning disabled firemen and for relief of widows and minor children of deceased firemen. (Mo. IV 47.)

Extra Compensation to Officers

See also PUBLIC OFFICERS — COMPENSATION.

Not to grant extra compensation to public officer, employee, agent, or servant or increase compensation of public officer, or employee to take effect during continuance in office of any person whose salary might be thereby increased. (Conn. Amend. XXIV.)

Common council not to grant extra compensation to "public officer", servant or agent. (N.Y. III 28.)

Extra Compensation to Contractors

See also PUBLIC CONTRACTS.

Not to increase pay or compensation of any public contractor above amount specified in the contract. (Conn. Amend. XXIV.)

Common council not to grant extra compensation to contractor. (N.Y. III 28.)

Referendum

City of Baltimore not to grant aid to or make appropriation for works of internal improvements unless authorized by act of legislature and city ordinance approved by majority votes cast at election provided for by such ordinance. (Md. XI 7.)

Donations in aid of railroad and internal improvements not to be made unless proposition has been first submitted to qualified electors at an election authorized by law. Limit upon may by two-thirds vote be increased 5 per cent. in addition to 10 per cent. of assessed valuation. (Nebr. XII 2.)

In elections to determine expenditure of money only those to be qualified who pay taxes on property therein. (Tex. VI 3.)

Payment of tax on property valued at $134 for next preceding year required for vote on proposition for expenditure of money in any city. (R.I. Amend. VII 1.)

Debt, *See below, this title,* DEBT.

Taxation, *See* TAXATION.

DEBT

For provisions respecting debts of "municipalities" which in some states may include cities, See MUNICIPALITIES — DEBT.

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
For exemption of from taxation, See TAXATION — EXEMPTIONS.
Existing Time Adoption Constitution
Specified cities may pay existing indebtedness for construction of waterworks when two-thirds of electors voting at election for that purpose so decide, and statute of limitations not to apply. (Cal. XI 18.)
Nothing in this article to be construed to impair or add to obligation of debts contracted in accordance with territorial law; or to prevent contracting any debt or issuing bonds therefor in accordance with laws of territory upon proposition which according to such laws was submitted to qualified electors before constitution took effect. (Colo. XI 9.)
Nothing in constitution to deprive legislature of power to authorize Quincy to create indebtedness approved by people prior to December 13, 1869 (constitution signed May 13, 1870), for "railroad or municipal purposes". (Ill. Sched. 24.)
Authorized to pay debts existing under territory either by tax levy or by issuing bonds under provisions of laws extended in force in state. Nothing in constitution to legalize invalid debt or impair any defense against payment thereof. (Okla. Sched. 25.)
Nothing in this article to impair or add to obligation of any debt contracted prior to constitution under laws of territory; and limit on amount of debt not to prevent incurring debt under proposition submitted to qualified electors under laws of territory prior to adoption of constitution. (Utah XIV 7.)
May be bonded in sum not exceeding 4 per cent. on assessed value taxable property in city as shown by last general assessment. (Wyo. XVI 3.)
Power to Incur Generally
Legislature to restrict power of borrowing money, contracting debts and loaning credit so as to prevent abuses. (Kan. XII 5 N.Y. XII 1; N.C. XIII 4; Ohio XIII 6; Wis. XI 3.)
Legislature to restrict city's power of borrowing money, contracting debts or loaning credit except for procuring supplies of water. (Nev. VIII 8.)
Acts of legislature incorporating cities to restrict their powers of borrowing money, contracting debts and loaning credit. (Ore. XI 5.)
Legislature to restrict power of cities to borrow money and contract debts so as to prevent abuse of such power. (Ark. XII 3.)
Legislature to restrict by general laws powers of borrowing money or contracting debts. (Mich. VIII 20; S.C. VIII 3.)
Provision to be made by general laws to prevent abuse of powers of borrowing money and contracting debts. (Miss. IV. 80.)

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Purpose
In General

Limited to "city purposes"; but city may make provision as authorized by law "for the aid or support of its poor". (N.Y. VIII 10.)

No debts to be contracted except in pursuance of law for public purpose specified by law. (S.C. VIII 3.)

To be incurred only for strictly city purposes (Utah XIV 4; Wash. VIII 6.)

Not to lend credit for other than municipal purposes. (Mich. VIII 25.)

City and county of Denver authorized to issue bonds on vote of taxpaying electors at special or general election in "any amount necessary to carry out any of said powers or purposes as may by charter be provided". (Colo. XX 1.)

After filing charter framed under provisions authorizing city to frame its own charter city may provide and legislate for issuance, refunding and liquidation of all kinds of municipal obligations, including bonds and other obligations of park, water and local improvement districts. (Colo. XX 6.)

Not to issue interest bearing evidences of indebtedness except bonds authorized by law to pay debt existing time adoption constitution; but cities of first and second class may issue bonds for specified purposes "and for any and all public buildings, structures or grounds that may be required by said municipality for the proper and economic administration of its government and for any other public improvements of a general nature for the use and benefit of said municipality" when approved on referendum. Such improvements may be within or outside the corporate limits of such municipality. (Ark. XVI 1.)

When any city or city and county adopts voting machines, governing body may provide for payment thereof by issuing interest bearing bonds, certificates of indebtedness or other obligation; not to be sold for less than par and payable at such times not exceeding 10 years as may be determined. (Colo. VII 8.)

May contract debt for school, water, sanitary and illuminating purposes provided city contracting such debt own "its just proportion of the property thus created and receive from any income arising therefrom, its proportion to the whole amount so invested". (Ida. XII 4.)

Not to assume any debt contracted directly or indirectly in aid of the Rebellion. (N.C. VII 13.)

Cities bordering on gulf may issue bonds for sea walls, breakwaters or sanitary purposes. (Tex. XI 7.)

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
In General (*Cont'd*)
Commissioners of port of New Orleans authorized to issue mortgages or bonds for cost chargeable against specified canal and improvements. (La. 322.)
Aid to Private or Corporate Enterprise
For provisions respecting city's power to be interested in or to make grants or donations to such enterprise, See above, this title, "POWERS AND RIGHTS — RESTRICTIONS UPON", *and* "FINANCES — EXPENDITURES — RESTRICTIONS UPON".
Legislature not to authorize to lend credit to or in aid of individual, association or corporation by issuing bonds or otherwise. (Ala. IV 94.)
Not to give or lend credit in aid of individual, association or corporation. (Ariz. IX 7; Mont. XIII 1.)
Not to lend credit for any purpose whatever; and no municipality to grant financial aid towards construction of railroads or other private enterprises operated by any private person or corporation. Not to obtain money for or loan credit to corporation, association, institution or individual. (Ark. XVI 1, XII 5.)
Legislature not to authorize cities or "cities and counties" to give or lend credit of city in aid of any person, association or corporation or pledge credit thereof for payment of liabilities of any individual, association or corporation. (Cal. IV 31.)
Not to lend or pledge credit or faith in any manner to or in aid of any person, company or corporation for any amount or for any purpose, "public or private", or become responsible for any debt, contract or liability of any person, company or corporation, "public or private", in or out of state. (Colo. XI I.)
Forbidden to lend credit directly or indirectly in aid of any railroad corporation; but not to affect validity of bonds or debts incurred under laws existing prior to constitution and not to be construed to prohibit legislature from authorizing city to protect by additional credit railroad debt contracted prior to adoption of constitution. (Conn. Amend. XXV.)
Not to lend credit to or assume debt of any private corporation, person or company. (Del. VIII 8.)
Legislature not to authorize loan of credit to any corporation, association, institution or individual. (Fla. IX 10; Pa IX 7.)
Not to lend or pledge credit or faith in any manner to or in aid of any individual, association or corporation for any amount or any purpose or become responsible for

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)

the debt, contract or liability of any individual, association or corporation in or out of state. Not to raise money for or lend credit, by vote of citizens or otherwise, to or in aid of any joint stock company, corporation or association; but may contract debt for school, water, sanitary and illuminating purpose, provided it owns "just proportion of the property thus created and receive from any income arising therefrom its proportion to the whole amount so invested". (Ida. VIII 4, XII 4.)

Loan of credit in aid of railroad or private corporation, forbidden. Nothing in constitution to deprive legislature of power to authorize specified city to create debt previously approved by people for "railroad purposes". (Ill. Amend. 1870 — Municipal Subscription to Corporations Separately Submitted; Sched. 24.)

Not exceeding $5,000,000 at not exceeding 5 per cent. payable within 30 years from date of issue and authorization. Proceeds to be paid to treasurer of World's Columbian Exposition, with provision for return to corporate authorities of as large a proportion of the aid given to the exposition as is repaid to stockholders on the sums prescribed by them and reimbursement so received by city to be used for redemption of such bonds. City authorities may take in whole or in part payment of the reimbursement due the city, the permanent improvements placed on land controlled by city. Indebtedness created under this provision not to be paid by state or from any state revenue, tax or fund, but by Chicago alone. No bonds to be issued under this amendment unless majority of votes cast within Chicago shall be in favor of the amendment. (Ill. IX 13.)

Legislature not to authorize city to obtain money for or loan its credit to any corporation, association or individual except for purpose of constructing or maintaining bridges, turnpike roads or gravel roads. (Ky. 179.)

Credit of Baltimore not to be given or loaned to or in aid of individual, association or corporation. (Md. XI 7.)

Not to lend credit for other than municipal purpose. (Mich. VIII 25.)

Legislature not to authorize cities to incur debt in aid of construction or equipment of railroads to amount exceeding 5 per cent. of value of its taxable property. (Minn. IX 15.)

Not to lend credit in aid of railroad or other corporation or association. (Miss. VII 183.)

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)
Legislature not to authorize loans of credit to individual, association or corporation. (Mo. IV 47; Okla. X 17.)
Not to lend credit to railroad or other corporation or association, or to any "college or institution of learning or other institution whether created for or to be controlled by the state or others". Authority previously conferred by legislature or by corporate charters repealed. This does not prevent issue of bonds or other means of payment of subscription to corporate stock authorized by people prior to constitution or of other than existing debt. (Mo. IX 6.)
St. Louis authorized to issue $5,000,000 bonds at not exceeding 4 per cent. payable within 30 years; proceeds to be paid to exposition corporation; city to be repaid same proportionate amount of aid thus given as may be repaid to stockholders and also to receive proportionate share of surplus, but no bonds to be issued under this provision, unless at election on adoption of this amendment, majority of votes cast in St. Louis for and against it be in favor of it. (Mo. X 12.)
Not to make donations to "railroad or other works of internal improvement", unless proposition therefor first submitted to qualified electors at election by authority of law; such donations of a county, together with donations of subdivisions in the county not to exceed in the aggregate 10 per cent. of assessed valuation of county; city may, by two-thirds vote, increase such debt 5 per cent. in addition to such 10 per cent.; no bonds or other evidences of such debts to be valid unless endorsed with certificate signed by secretary and auditor of state, showing that they are issued pursuant to law. (Nebr. XII 2.)
Not to lend credit in aid of any joint stock company, corporation or association except railroad corporations, companies or associations. (Nev. VIII 10.)
Not to lend credit to any individual, association or corporation, or becoming security for any association or corporation. (N.J. I 19.)
Not to lend credit to or in aid of any individual, association or corporation; but this not to prevent such provision for aid and support of its poor as may be authorized by law. (N.Y. VIII 10.)
Credit not to be given or loaned to or in aid of any individual, association or corporation, except for necessary support of poor. (N.D. XII 185.)
No law to authorize cities to raise money or lend credit to any company or association by vote of citizens or other-

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CITIES (*Cont'd*)

DEBT (*Cont'd*)

Purpose (*Cont'd*)

Aid to Private or Corporate Enterprise (*Cont'd*)

wise, but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)

Not to raise money for or lend credit to or in aid of any company, corporation or association, by vote of citizens or otherwise. (Ore. XI 9.)

Credit not to be loaned or given to or in aid of any person, company, association or corporation, except on assent of three-fourths of qualified voters voting at election thereon. (Tenn. II 29.)

Legislature not to authorize city to lend credit to any individual, association or corporation, but special authorization to join with county or other political subdivision or district in lending credit or incurring debt for or in aid of irrigation, drainage or navigation improvements or construction and maintenance of roads; provided total debt of city not thereby to exceed limit imposed by other sections constitution. (Tex. III 52.)

Not to lend credit to any private corporation or association; this not to affect obligations undertaken pursuant to law prior adoption constitution. (Tex. XI 3.)

Legislature not to authorize city to lend credit in aid of any railroad, telegraph, or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Not to grant credit "under any device or pretense whatsoever" to or in aid of any person, association or corporation. (Va. XIII 185.)

Not to loan money or credit to or in aid of individual, association, company or corporation "except for the necessary support of the poor and infirm". (Wash. VIII 7.)

Not to give or lend credit to individual, association or corporation except for necessary support of poor. (Wyo. XVI 6.)

Aid to Municipal Corporation

Legislature not to authorize cities or "cities and counties" to give or lend credit in aid of any municipal corporation or to pledge credit thereof for payment of liabilities of any municipal corporation. (Cal. IV 31.)

Not to become responsible for any debt, contract or liability of any "corporation, public or private" in or out of state. (Colo. XI 1.)

Law or Ordinance Authorizing

Private, local or special legislation authorizing issuance of bonds or other securities, forbidden, unless authorized before enactment such law by vote qualified electors thereof at election held for purpose in manner prescribed by law; but legislature may without such election pass special laws to refund bonds issued before ratification constitution. (Ala. IV 104.)

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Law or Ordinance Authorizing (*Cont'd*)
Local and special legislation provided for bonding of cities, forbidden. (Nebr. III 15.)
Not to contract debt except by ordinance specifying purpose for which funds proposed to be raised are to be applied. Such ordinance to be irrepealable until debt therein provided for fully paid. (N.M. IX 12.)
Same; but does not apply for debts contracted for water supply. (Colo. XI 8.)
Referendum on Proposition to Incur
For provisions relating to local referendum generally, See INITIATIVE AND REFERENDUM.
Legislature may pass general laws authorizing cities to issue bonds; but none to be issued under such general laws unless first authorized by a majority vote by ballot of qualified voters thereof voting on proposition. Special provision for form of ballot. This not to apply to renewal, refunding or reissuing of bonds lawfully issued or authorized by law enacted prior to ratification of constitution; and not to apply to obligations incurred or bonds to be issued to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is assessed in whole or part against property abutting on said improvements or drained by such sewers. (Ala. XII 222.)
No debts, except to pay those existing time adoption constitution, to be incurred without consent of majority of qualified electors voting on question at election held for that purpose. Detailed provisions as to ordinance authorizing debt and its submission to referendum. (Ark. XVI 1.)
No debt to be created unless proposition be submitted at regular election for councilmen, aldermen or officers to qualified electors who in preceding year paid property tax and approved by majority thereof voting thereon by ballot deposited in separate box. This section does not apply to debts contracted for water supply. (Colo. XI 8.)
No new bonded debt other than for refunding to be incurred by Chicago until proposition approved by a majority legal voters of city voting on question at general, municipal or special election. (Ill. IV 34.)
After adoption constitution no debt except as provided in constitution to be created by Baltimore; mayor and council not to "involve" city in construction of or in granting aid to "works of internal improvement * * * which shall involve the faith and credit of the city, nor make any appropriation therefor unless such debt or credit be authorized" by legislature and by city ordinance approved by majority of votes cast at election provided for such ordinance; this prohibition does

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Referendum on Proposition to Incur (*Cont'd*)
not prevent temporary loans for deficiencies in city treasury or to provide for emergencies in maintaining police or "preserving the safety and sanitary condition of the city" or for "removal or extension" of debts lawfully created prior to adoption constitution. (Md. XI 7.)

Not to incur debt for railroads or other works of internal improvement unless proposition therefor first submitted to qualified electors at election by authority of law. (Nebr. XII 2.)

No debt to be created unless proposition is submitted at regular election for city officers to such qualified electors thereof as have paid a property tax therein during the preceding year and is approved by majority of those voting by ballot deposited in separate ballot box. This not to prevent issue without submission to voters of bonds to pay or refund valid bonds of city. (N.M. IX 12, 15.)

No debt to be contracted nor faith or credit pledged unless "by vote" of majority of qualified voters. (N.C. VII 7.)

No debt to be created without submitting question to qualified electors as provided in constitution "for special elections" and unless majority voting on question approve. Legislature in authorizing special election in incorporated city on question of bond issue to prescribe as condition precedent to holding election a petition of majority of freeholders thereof as shown by tax books; at such election payment of "all taxes, city, county and municipal, for previous year" a necessary qualification of right to vote; majority of those voting necessary to authorize issuance of bonds. (S.C. VIII 7, II 13.)

Credit not to be given or loaned to or in aid of any person, company, association or corporation except on assent of three-fourths of qualified voters voting at election thereon. (Tenn. II 29.)

No debt to be contracted unless all questions connected therewith shall have been approved by three-fifths of votes cast for and against on submission to people. (W.Va. X 8.)

No debt or liability to be incurred for any purpose "exceeding in any year the income and revenue provided for such year" unless approved by two-thirds qualified electors voting at election held for purpose. Indebtedness incurred contrary to this provision to be void. (Cal. XI 18.)

Same; but not to be construed "to apply to the ordinary and necessary expenses authorized by the general laws of the state". (Ida. VIII 3.)

Not to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue for that year without consent of two-thirds voters voting at election

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CITIES (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

held for purpose. Debts contracted in violation of this provision to be void and not to be assumed by municipality or enforcible against persons contracting them. (Ky. 157.)

Not to be allowed to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue provided in such year without assent two-thirds voters thereof, voting at election held for purpose. This not to apply to cities having over 300,000 inhabitants. (Mo. X 12.)

Not to be allowed to become indebted in any manner for any purpose to amount exceeding in any year income and revenue provided in such year without assent three-fifths voters thereof voting at election held for purpose. (Okla. X 26.)

No city or subdivision thereof to create debt in excess of taxation for current year unless majority of such qualified electors as shall have paid a property tax in the preceding year shall approve proposition to create such debt. (Utah XIV 3.)

No debt in excess of taxes for current year to be created in any manner by any city "or subdivision thereof" unless approved by vote of people on proposition submitted. (Wyo. XVI 4.)

Not to become indebted for any purpose in any manner to amount exceeding 1½ per cent. of taxable property in city without assent of three-fifths voters voting at election held for that purpose. Last assessment for state and county purposes previous to incurring debt to be taken; except that in incorporated cities last assessment for city purposes to be taken. (Wash. VIII 6.)

Not to "incur any new debt or increase its indebtedness to an amount exceeding" 2 per cent. upon assessed value taxable property without assent electors at public election in manner provided by law. (Pa. IX 8.)

Not become indebted for any purpose in any manner to amount exceeding 4 per cent. taxable property without assent of majority property taxpayers who must also be qualified electors voting at election provided by law to be held for purpose; value of taxable property to be ascertained by last assessment for state and county purposes previous to incurring debt, but in incorporated cities assessment to be taken from last assessment for city purposes. (Ariz. IX 8.)

Proposition to incur debt in excess of constitutional limit to provide for water supply or sewers must be submitted to vote of taxpayers affected. (Mont. XIII 6.)

Debts of incorporated cities in excess of general constitutional limit on amount of debt require approval "by a two-thirds vote". (N.D. XII 183.)

Incorporated city, by majority of "qualified property taxpaying voters" voting at election held for purpose, may incur debt in

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CITIES (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

excess of general constitutional limit for purchase or construction, or repair of public utilities owned exclusively by city. (Okla. X 27.)

No debt in excess of constitutional limit for water supply, sewers, railways or lighting plants to be incurred without majority vote of electors voting in favor thereof. (S.D. XIII 4.)

In elections to determine assumption of debt only those electors who pay taxes on property therein are qualified to vote. (Tex. VI 3.)

Limit of Amount

Cities having less than 6,000 population, except as otherwise provided in constitution, not to become indebted in amount "including present indebtedness" exceeding 5 per cent. assessed value of property therein except for construction or purchase of waterworks, gas or electric lighting plants or sewerage, or for improvement of streets for which purposes additional debt not exceeding 3 per cent. may be created. Limitation not to affect debt authorized time adoption constitution, nor temporary loans to be paid within one year made in anticipation of collection of taxes, not exceeding one-fourth of annual revenues of such city; this not to prevent funding or refunding of "existing indebtedness". (Ala. XII 225.)

Those having 6,000 or more population and those specified authorized to become indebted in amount "including present" debt not exceeding 7 per cent. assessed valuation of property therein, but following classes of debt not to be included in this limitation: temporary loans paid within one year made in anticipation of collection of taxes not exceeding one-fourth of general revenues; bonds or obligations issued or to be issued for purpose of acquiring or constructing schoolhouses, waterworks, sewers; obligations and bonds incurred for street or sidewalk improvements, cost of which wholly or partly assessed against abutting property; proceeds of obligations in excess of 7 per cent. limit to be applied solely to purposes for which such obligations issued. Not to prevent funding or refunding of existing indebtedness. This section not to apply to specified cities. (Ala. XII 225.)

Where present debt exceeds limit, not to be allowed to become indebted in further amount except as otherwise provided by constitution until debt reduced within limit. This not to prevent any municipality except one specified from issuing bonds authorized prior adoption constitution and not to apply to specified cities; and not to prevent funding or refunding of "existing indebtedness". (Ala. XII 226, 225.)

Not to become indebted for any purpose in amount exceeding 4 per cent. of taxable property therein without referendum. Value of taxable property to be ascertained by last assess-

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Limit of Amount (*Cont'd*)

ment for state and county purposes previous to incurring debt, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes. Incorporated city may be allowed to incur additional debt "not exceeding 15 per cent. additional" for water supply, artificial light or sewers, when works for supplying such water, light or sewers "are or shall be owned and controlled by the municipality". (Ariz. IX 8.)

Not to exceed in aggregate 7 per cent. of assessed value of real and personal property therein according to last general assessment. Debt may be incurred for waterworks or lighting plants when approved on referendum in excess of this limitation; and such debt not to be included in computation of existing debt in order to determine power to become further indebted, provided a mortgage or other lien on such works or plant and its franchise be given as additional security for such debts. (Ark. XVI 1.)

Five million dollar bond issue by San Francisco for aid to Panama Exposition to be "exclusive of bonded indebtedness of the said city and county, limited by section 9 of article XII" of the charter of the city and county. (Cal. XI 8a.)

Aggregate, together with debt, existing time election on proposition, not at any time to exceed 3 per cent. valuation of taxable property as shown by assessment next preceding the last assessment before the adoption of ordinance authorizing debt. (Colo. XI 8.)

Not to be allowed to become indebted in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 5 per cent. value of taxable property therein ascertained by last assessment for state and county taxes previous to incurring debt; but this not to prevent issuing bonds in compliance with vote of people had prior to adoption constitution in pursuance of law. (Ill. XI 12.)

If Chicago becomes liable for debts of two or more municipal corporations consolidated with it, then the legislature may authorize Chicago to become indebted to an amount including its existing indebtedness and debts of all municipal corporations lying wholly within its limits and its share of county and sanitary district debt as determined in manner prescribed by legislature, in an aggregate sum not exceeding 5 per cent. of full value of taxable property within its limits, as ascertained by last assessment for state or municipal purposes previous to incurring debt. (Ill. IV 34.)

Not to be authorized or permitted to incur debt to amount including existing debt in aggregate exceeding following percentage of value of taxable property therein to be ascertained by assessment next before last assessment previous to

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CITIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

incurring debt: Cities of first and second class and of third class having population over 15,000, 10 per cent.; cities of third class under 15,000 and fourth class, 5 per cent.; other cities 3 per cent. Debts in excess of this limit may be contracted when authorized by laws in force prior to adoption of constitution or when necessary for completion and payment for public improvement undertaken and not completed and paid for at time of adoption; any city, debt of which exceeds limit at time of adoption not to increase more than 2 per cent. until debt reduced within limit and thereafter not to exceed limit "unless in case of emergency, the public health or safety should so require". Renewal bonds or bonds to fund floating debt not prevented by this limitation. (Ky. 158.)

Cities having less than 40,000 population, as shown by last United States census, not to create any debt or liability which singly or in aggregate with previous debts or liabilities exceeds 5 per cent. of last regular valuation. This not to be construed as applying to funds received in trust by city or to loans to renew existing loans "or for war or to temporary loans to be paid out of the money raised by taxes during the year in which they were made". (Me. Amend. XXII.)

Cities having population of 40,000 or more by last United States census may create debt which singly or in aggregate with previous debts or liabilities equals 7½ per cent. of last regular valuation; increase over 5 per cent. (previously allowed) to to be one-fourth per cent. in any one year "by majority vote of their city government" until in not less than 10 years the maximum rate of 7½ per cent. is reached, and any city failing to take increase provided for any year loses increase for that year. This not to be construed as applying to funds received in trust by city or to loans to renew existing loans "or for war or to temporary loans to be paid out of the money raised by taxes during the year in which they were made". (Me. Amend. XXII.)

Cities may acquire or operate public utility and issue "mortgage bonds therefor" beyond general bonded debt limit prescribed by law. These bonds not to impose liability on city but to be secured only on property and revenues of the utility "including a franchise, stating the terms upon which in case of foreclosure the purchaser may operate the same", but this not to extend longer than 20 years from date of sale of utility and franchise on foreclosure. (Mich. VIII 23.)

Legislature not to authorize issue of bonds or incurring indebtedness in any manner "to aid in the construction or equipment of any or all railroads" to an amount exceeding 5 per cent. of value of its taxable property; such value to be ascer-

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Limit of Amount (*Cont'd*)
tained by last assessment for state and county taxes previous to incurring debt. (Minn. IX 15.)
Not to be allowed to incur debt to amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein to be ascertained by assessment next before last assessment for state and city purposes previous to incurring debt. This not to apply to cities having over 300,000 inhabitants. (Mo. X 12.)
Any city of not more than 30,000 nor less than 2,000 may, with assent of two-thirds voters thereof voting at election held for purpose, be allowed to become indebted in a larger amount than the constitutional limit of 5 per cent., but not exceeding an additional 5 per cent. on value of taxable property therein "for the purpose of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city". (Mo. X 12a.)
St. Louis authorized with assent of two-thirds voters to issue bonds for construction and improvement waterworks, interest and principal payments on which to be provided for from income of such works and city to establish sinking fund for payment of bonds so authorized "according to the times fixed from the maturity of the same". (Mo. X 12.)
St. Louis bonds in specified amount representing debt assumed by city in scheme separating city from county; not to be included in computation of existing bonded debt in determining amount which city is authorized to issue. (Mo. X 12.)
St. Louis bonds in specified amount expended prior to specified date on construction of waterworks and bonds subsequently issued for construction and improvement of waterworks, interest and principal payments on which are provided for from the revenues of the waterworks not to be included in computing existing bonded debt in determining amount which city is authorized to issue. (Mo. X 12.)
Corporate authority of any city having more than 200,000 inhabitants which has exceeded its constitutional limit of debt not to incur further bonded debt except for renewal of other bonds "until such excess of indebtedness ceases", but "may, in anticipation of the customary annual revenue thereof, appropriate during any fiscal year towards the general governmental expenses thereof a sum not exceeding seven-eighths of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such city) that was actually raised by taxes alone during the preceding fiscal year". (Mo. IX 19.)
Not to be allowed to become indebted in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 3 per cent. of value of taxable property therein

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CITIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

to be ascertained by last assessment for state and county taxes previous to incurring such debt; all bonds or obligations in excess of this amount to be void; legislature may extend this limit by authorizing municipal corporations to submit question to vote of taxpayers affected when increase is necessary to construct sewerage system or to procure water supply for such municipality "which shall own and control said water supply and devote revenues derived therefrom to the payment of the debt". (Mont. XIII 6.)

Cities authorized to incur debt for railroads or other works of internal improvement when approved on referendum; but such debts incurred by a county, together with such debts of subdivisions of the county, not to exceed in the aggregate 10 per cent. of the assessed valuation of county. City may, by two-thirds vote, increase such debt 5 per cent. in addition to such 10 per cent. (Nebr. XII 2.)

Not to become indebted to amount in aggregate including existing debt exceeding 4 per cent. of value of taxable property within city to be ascertained by last preceding assessment for state or city purposes. This not to prevent issue of bonds to pay or refund valid bonds of city. Bonds or obligations issued in excess of limit to be void except that debts may be contracted in excess of limit for construction or purchase of water supply system or sewer system. (N.M. IX 13, 15.)

Not to be allowed to become indebted for any purpose or in any manner to an amount which including existing indebtedness shall exceed 10 per cent. of assessed value of real estate therein subject to taxation as it appeared on assessment rolls thereof on last assessment for state and county taxes prior to incurring debt; debts in excess of this limit except debts existing time adoption constitution to be "absolutely void" except as otherwise provided in constitution. Debts in excess of the limit if valid when incurred not to become invalid by reason of provisions of the constitutional limitation on amount. (N.Y. VIII 10.)

Debts existing time adoption constitution in excess of limit of amount fixed by constitution not to be void; but no further debt to be incurred until indebtedness reduced within limit. (N.Y. VIII 10.)

Prohibition of debt in excess of limit not to prevent issuing "certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes". (N.Y. VIII 10.)

Prohibition of debt in excess of not to prevent city of New York from issuing "bonds to be redeemed out of the tax levy for

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DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

the year next succeeding the year of their issue, provided that the amount of such bonds which may be issued in any one year in excess of the limitations herein contained shall not exceed one-tenth of 1 per cent. of the assessed valuation of the real estate of said city subject to taxation". (N.Y. VIII 10.)

Prohibition of debt in excess of limit not to prevent issue of bonds "to provide for the supply of water", but such bonds issued in excess of the debt limit shall be for a term not exceeding 20 years; and a sinking fund for their redemption shall be created on issuance by raising an annual sum which will produce an amount equal to principal and interest on maturity. (N.Y. VIII 10.)

In computing existing debt for purpose of determining city's power to become further indebted, pre-existing debt of a county wholly included within a city not to be included in computation, "but any debt hereafter incurred by any portion or part of a city" to be included. (N.Y. VIII 10.)

"Certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes which are not retired within five years after their date of issue" to be included for the purpose of ascertaining city's power to become further indebted. (N.Y. VIII 10.)

Bonds issued to provide for supply of water to be included in ascertaining power of city to become otherwise indebted; but debts incurred by New York City (after January 1, 1904), and by cities of second class (after January 1, 1908), and by cities of third class (after January 1, 1910) to provide for water supply not to be so included. (N.Y. VIII 10.)

Debts incurred by New York City subsequent to adoption constitutional provision "for a public improvement owned or to be owned by the city which yields to the city current net revenue after making any necessary allowance for repairs and maintenance for which the city is liable in excess of the interest on said debt and of the annual instalments necessary for its amortization may be excluded in ascertaining the power of said city to become otherwise indebted" provided a sinking fund be established and maintained for its amortization; but such indebtedness not to be so excluded "during any period of time when the revenue aforesaid shall not be sufficient to equal the said interest and amortization instalments". Legislature to prescribe method by which and terms and conditions under which amount of debt to be so excluded shall be determined and no debt to be excluded except "in accordance with the determination prescribed". Legislature may confer appropriate jurisdiction on appellate division, first department, "for the purpose of determining the amount of any debt to be so excluded". (N.Y. VIII 10.)

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DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

Debts incurred prior to adoption constitutional provision by New York City "for any rapid transit or dock investment" may be excluded in ascertaining the power of the city to become otherwise indebted "proportionately to the extent to which the current net revenue received by said city therefrom shall meet the interest and amortization instalments thereof, provided that any increase in the debt incurring power of the city of New York which shall result in the exclusion of debts (incurred prior adoption constitutional provision) shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes". Legislature to prescribe method by which and term and conditions under which amount of debt to be so excluded shall be determined and no debt to be excluded except "in accordance with the determination so prescribed". Legislature may confer appropriate jurisdiction on appellate division, first department, "for the purpose of determining the amount of any debt to be so excluded". (N.Y. VIII 10.)

Never to exceed 5 per cent. on assessed value of taxable property therein, but incorporated city may, by two-thirds vote, increase such debt 3 per cent. on such assessed value beyond the 5 per cent. limit. In estimating amount of future debt which city may incur, entire amount of existing debt contracted prior or subsequent to adoption constitution to be included. Incorporated city may incur debt not exceeding 4 per cent. on assessed value "without regard to existing indebtedness" for "constructing or purchasing waterworks for furnishing a supply of water to the inhabitants of such city or for the purpose of constructing sewers". Bonds or obligations in excess of limit to be void. (N.D. XII 183.)

Not to be allowed to incur debt to amount including existing debt in aggregate exceeding 5 per cent. valuation taxable property therein to be ascertained from last assessment for state and county purposes previous to incurring debt. "Incorporated city may by vote of majority of qualified property taxpaying voters, voting at election held for purpose, be allowed to become indebted in larger amount for purchase, construction or repairing of public utilities owned exclusively by such city, provided provision be made for annual tax to pay interest and constitute sinking fund for redemption within 25 years". This limitation on amount of debt not to "apply" to debt created or bonds issued to pay existing debt under territory laws. (Okla. X 26, 27, Sched. 25.)

Except as provided in constitution not to exceed 7 per cent. upon assessed value taxable property, but city whose debt at time adoption constitution exceeds 7 per cent. may be authorized

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CITIES (*Cont'd*)
DEBT (*Cont'd*)
Limit of Amount (*Cont'd*)
by law to increase 3 per cent. "in the aggregate at any one time upon such valuation". (Pa. IX 8.)
Debts incurred by Philadelphia "city and county" for construction and development of subways for transit, or for construction of or reclamation of land for construction of wharves and docks (after 1911) as "public improvements owned or to be owned" by the city and county, which yield current net revenue to city and county in excess of interest and annual amortization charges may be excluded in ascertaining power of city and county to become otherwise indebted, if sinking fund therefor be established and maintained. (Pa. IX 8.)
Not to incur any bonded debt which including existing bonded debt shall exceed 8 per cent. of assessed value of taxable property therein. This not to prevent issuing of certificates of indebtedness in anticipation of collection of taxes for amounts contained or to be contained in taxes for year when such certificates are issued and payable out of such taxes, and not to prevent issuing bonds to amount sufficient to refund bonded debt existing time adoption constitution. (S.C. VIII 7.)
Limit of 8 per cent. not to apply to bonded debt incurred by specified city exclusively for building and maintaining streets, waterworks, lighting plants, sewerage system or payment of existing debts. When question submitted to qualified electors as provided in constitution for other debt. (S.C. VIII 7.)
Limitation not to apply to debt incurred by specified cities for purchase, establishment, maintenance or extension of waterworks and sewerage system and to specified city for gas and electric light plants "where entire revenue arising from the operation of such plants or systems shall be devoted solely and exclusively to the maintenance and operation" thereof and where proposition to incur such debt is submitted to freeholders and qualified voters as provided by constitution for other bonded debt. (S.C. VIII 7.)
Limitation not to apply to debt incurred by specified cities to an amount not exceeding 15 per cent. for payment past indebtedness for improvement streets and sidewalks, providing sewerage or purchasing, establishing or operating waterworks or electric light plants. (S.C. VIII 7.)
Limitation not to apply to bonded debt incurred by specified cities not exceeding 15 per cent. of assessed value for sole purpose of paying expenses incurred in street improvements where abutting parties pay two-thirds or one-half cost. (S.C. VIII 7.)
Never to exceed 5 per cent. of assessed valuation of taxable property therein for year preceding that in which the indebtedness is incurred; "in estimating amount of the indebtedness which

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DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

a municipal subdivision may incur amount of indebtedness contracted prior to the adoption of the constitution shall be included". (S.D. XIII 4.)

In addition to limit of 5 per cent. on city debt "municipal corporations" authorized to incur not exceeding 10 per cent. for "water and sewerage for irrigation, domestic uses, sewerage and other purposes"; and cities of 8,000 or more authorized to incur debt not exceeding 8 per cent. for street railways, electric lights or other lighting plants; but no debt for these purposes to be incurred without referendum. (S.D. XIII 4.)

Not to become indebted "to an amount including existing indebtedness exceeding 4 per cent. of the value of the taxable property therein", ascertained by last assessment for state and county purposes previous to incurring debt, except that in incorporated cities last assessment for city purposes to be taken. Nothing in this article to prevent contracting debt under proposition submitted under laws of territory to qualified electors before constitution took effect. (Utah XIV 4.)

Cities of first and second class when authorized by vote of taxpaying electors "may be allowed to incur a larger indebtedness (than the 4 per cent. previously authorized) not to exceed 4 per cent. for supplying such cities with water, artificial lights or sewers when the works for supplying such water, lights and sewers are owned and controlled by the municipality. (Utah XIV 4.)

Third-class cities may be allowed to incur larger indebtedness (than the 4 per cent. previously authorized) not to exceed 8 per cent. additional for supplying the city with water, artificial lights or sewers when the works supplying such water, lights and sewers are owned and controlled by the city. (Utah XIV 4.)

Not to issue bonds or other interest-bearing obligations for any purpose or in any manner to amount which, including existing indebtedness, shall at any time exceed 18 per cent. of assessed valuation of real estate therein, subject to taxation as shown by last preceding assessment for taxation. This not to apply to cities whose charters existing time adoption constitution authorize larger percentage of debt. (Va. VIII 127.)

In determining limitation of city's power to incur debt, "certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue * * * for the then current year, provided that such certificates, bonds or other obligations mature within one year from the date of their issue and be not past due, and do not exceed the revenue for such year", not to be included. (Va. VIII 127.)

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CITIES (*Cont'd*)
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Limit of Amount (*Cont'd*)

In determining the limitation of city's power to incur debt, bonds authorized by ordinance enacted in accordance with the provisions of the constitution, and approved by affirmative vote, majority qualified voters of city voting on question at general election next succeeding enactment of ordinance or at special election held for that purpose for a supply of water or other specific undertaking from which city may "derive a revenue not to be included, but from and after period to be determined by council not exceeding five years from date of election whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor and the cost of insurance against loss by injury to persons or property) and an annual amount to be covered into a sinking fund sufficient to pay at or before maturity all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking". (Va. VIII 127.)

No debt to be incurred in excess of one and one-half per cent. of value of taxable property without referendum; and total debt not to exceed 5 per cent. of such value. Value of taxable property to be ascertained from last assessment for state and county purposes previous to incurring debt, but in incorporated cities, last assessment for city purposes to be taken. City may be allowed to become indebted to larger amount not exceeding 5 per cent. additional for supplying water, artificial light and sewers when the works therefor are owned and controlled by municipality. (Wash. VIII 6.)

Not to be allowed to become indebted in any manner or for any purpose to an amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein to be ascertained by last assessment for state and county taxes previous to incurring debt. Bonds already authorized excepted from operation of debt limit provisions. (W.Va. X 8.)

Not to be "allowed to become indebted in any manner or for any purpose to any amount including existing indebtedness in the aggregate exceeding 5 per cent. on the value of the taxable property therein", to be ascertained by last assessment for state and county taxes previous to incurring debt. (Wis. XI 3.)

City or "subdivision thereof" not in any manner to create any indebtedness exceeding 2 per cent. of assessed value of taxable property therein; but may be authorized to create additional

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CITIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

indebtedness not exceeding 4 per cent. of assessed value of taxable property as shown by last preceding assessment for purpose of building "sewerage". Debts existing at time of adoption of constitution may be bonded in sum not exceeding 4 per cent. of assessed value of taxable property as shown by last general assessment. Debts for water supply excepted from operation of debt limit provisions. (Wyo. XVI 5, 3.)

Bonds

For exemption of from taxation, See TAXATION — EXEMPTIONS.

Any city or "city and county" issuing bonds under laws of state may make such bonds and interest thereon payable at any place or places within or outside of United States in any money, domestic or foreign, designated in said bonds. (Cal. XI 13½.)

Detailed provisions for special authorization of bonds to be issued by San Francisco in aid of Panama Exposition. (Cal. XI 8a.)

No bonds or other evidences of debt for railroad or other works of internal improvement to be valid unless endorsed with certificates signed by secretary and auditor of state, showing that they are issued pursuant to law. (Nebr. XII 2.)

Application of Proceeds

No money raised for a specific purpose to be used for any other purpose. (Ark. XVI 1.)

Limited to purpose for which obtained or to repayment of the debt or liability created therefor. (Mo. X 20.)

Moneys borrowed to be used only for purposes specified in law authorizing loan. (Mont. XIII 3.)

Redemption and Interest

For general provision authorizing taxation for, See TAXATION — LOCAL TAXES.

Provision to be made at time of incurring debt for collection of annual tax not exceeding 7 mills on the dollar to pay interest and discharge principal within 35 years from time of issuing bonds. Bonds to be "serial" "and shall be paid off as rapidly as the income derived from said tax will permit". Detailed provisions as to interest. (Ark. XVI 1.)

No debt in excess of revenue to be incurred unless at or before time of incurring provision be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 40 years from time of contracting. Except as provided in constitution, debt incurred contrary to this provision to be void; but San Francisco, San José and town of Santa Clara may make sinking fund provision to commence at a time after incurring debt not more than a period of one-fourth of time of maturity which shall not exceed 75 years from time of contracting. (Cal. XI 18.)

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DEBT (*Cont'd*)
Redemption and Interest (*Cont'd*)
Any city or "city and county" issuing bonds under laws of state may make them and interest on them payable at any place or places in or outside United States and in any money, domestic or foreign, designated in said bonds. (Cal. XI 13½.)
Ordinance authorizing incurring of debt to provide for levy of tax not exceeding 12 mills on valuation taxable property as shown by assessment next preceding last assessment before adoption of such ordinance sufficient to pay annual interest and extinguish principal within 15 but not less than 10 years from creation. Application proceeds of tax limited to purpose specified in ordinance until debt fully discharged. This section does not apply to debts contracted for water supply. (Colo. XI 8.)
No debt to be incurred unless at same time provision be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 20 years from time of contracting. Any debt or liability incurred contrary to this provision to be void. (Ida. VIII 3.)
To provide at or before time of incurring indebtedness for collection direct annual tax sufficient to pay interest and discharge principal within 20 years from time of contracting. (Ill. XI 12.)
Whenever authorized to create debt shall be required to provide at same time for collection of annual tax sufficient to pay interest and to create sinking fund for payment of principal within not more than 40 years from time of contracting. (Ky. 159.)
Detailed provisions for payment of interest on and redemption or refunding of specified bonds of the city of New Orleans. (La. 317, 318, 321, 323.)
Mortgages or bonds issued by commissioners of port of New Orleans for construction and improvement of specified canal to be paid out of net receipts of canal after payment of operating expenses. (La. 322.)
Before incurring debts provision to be made for collection of annual tax sufficient to pay interest as due and to constitute sinking fund for discharge of principal within 20 years from time of contracting. (Mo. X 12, 12a.)
Ordinance authorizing debt to provide for levy of tax not exceeding 12 mills on all taxable property in city sufficient to pay interest and extinguish principal within 50 years. Proceeds of such tax to be applied only to payment of such interest and principal. (N.M. IX 12.)
At or before time of incurring debt, provision to be made for collection of annual tax sufficient to pay interest and principal when due; and ordinance containing such provision to be irrepealable until debt paid. (N.D. XII 184; S.D. XIII 5.)

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CITIES (*Cont'd*)

DEBT (*Cont'd*)

Redemption and Interest (*Cont'd*)

Before or at time of incurring debt in excess of income and revenue provision to be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 25 years from date of contracting. (Okla. X 26, 27.)

City to levy "sufficient additional revenue" to create sinking fund to be used first, for payment of interest coupons; second, for payment of bonds; third, for payment of such parts of judgments as such municipality may by law be required to pay. (Okla. X 28.)

"Every city shall create a sinking fund which shall be inviolably pledged for the payment of its funded debt". (Pa. XV 3.)

On issuing bonds, city to create sinking fund for redemption thereof at maturity. All property within city limits except that exempted to be taxed for payment of debts legally contracted under authority of law. (S.C. VIII 7, 6.)

No debt for any purpose to be incurred in any manner unless provision made at time of creating for levying and collecting sufficient tax to pay interest and provide at least 2 per cent. as sinking fund. Special provision for taxes for interest and sinking fund for debts contracted prior to adoption of constitution. (Tex. XI 5, 6, 7.)

Not to be allowed to become indebted without at same time providing for collection of direct annual tax sufficient to pay annual interest on such debt and principal thereof within not exceeding 34 years. (W.Va. X 8.)

Before or at time of incurring debt, provision required to be made "for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal thereof within 20 years from the date of contracting the same"; but indebtedness incurred for the acquisition of land "for public municipal purposes or for the permanent improvement thereof", tax must be sufficient to discharge principal within a period not exceeding 50 years. (Wis. XI 3.)

Method of Collecting — Execution

City property held only for public purposes such as buildings and sites therefor, fire equipments, public grounds and property devoted exclusively to use of public exempt from "forced sale". This not to prevent enforcement of vendor's lien, mechanic's and builder's lien or other liens existing time adoption constitution. (Tex. XI 9.)

PUBLIC UTILITIES

See also above, this title, "POWERS AND RIGHTS — RESTRICTIONS UPON — STOCK AND BOND HOLDING", *and* "FINANCES — EXPENDITURES, RESTRICTIONS UPON — AID TO PRIVATE ENTERPRISE".

See also STREET RAILROADS.

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CITIES (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

In General

Person or corporation constructing or operating on public streets under franchise liable to abutting property owners for actual damage on account of such construction or operation. (Ala. XII 227.)

Legislature not to create corporation with power to acquire franchises in streets or highways of city, except by special act on petition therefor "pendency whereof shall be notified as may be required by law". (R.I. Amend. IX 2.)

Franchises

Right to collect rates and compensation for water supplied to "city and county" or its inhabitants "is a franchise and cannot be exercised except by authority of and in manner prescribed by law". (Cal. XIV 2.)

No franchise relating to any street, alley or public place of city or county of Denver to be granted except on vote of taxpaying electors. Question to be submitted on deposit of expenses with treasurer. (Extended to cities.) (Colo. XX 4, 6.)

Right to collect rates or compensation for use of water supplied to city or inhabitants thereof is a franchise and cannot be exercised except by authority of and in the manner prescribed by law. (Ida. XV 2.)

Not to be permitted to grant franchise or privilege or make any contract in reference thereto for more than 20 years. Advertisement to be made, bids received, and award made to highest and best bidder, but all bids may be rejected. Not to apply to trunk railway. (Ky. 164.)

No public utility franchise to be granted which is not subject to revocation at will of city unless proposition approved by three-fifths electors voting thereon at regular or special municipal election. Women taxpayers having qualifications of male electors entitled to vote. (Mich. VIII 25.)

Those having population more than 6,000 not to have authority to grant to person, corporation or association right to use streets or public places for construction or operation of waterworks, gas works, telephone or telegraph lines, electric light or power plants, steam or other heating appliances, street railroads or any other public utilities, except railroads other than street railroads for longer period than 30 years. (Ala. XII 228.)

No street railway, gas, water, steam or electric heat, light or power, cold storage, compressed air, conduit, telephone or bridge company, nor any corporation, association or persons or partnership engaged in these or like enterprises to be permitted to use streets, alleys or public grounds without consent of corporate authorities. No franchise, lease or right to use any public property in a way not permitted to general public to be granted for longer period than 30 years. Before granting any such franchise for a term of years, except for trunk

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CITIES (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Franchises (*Cont'd*)

railway, municipality shall advertise and receive bids and act accordingly as required by law. Nothing herein contained to prevent legislature from prescribing additional restrictions on power to grant franchises, or as repealing any such restriction in any existing charter. (Va. VIII 124, 125.)

Legislature not to grant right to construct or operate street railroad within city without acquiring consent local authorities having control of streets to be occupied. (Okla. IX 10; Tex. X 7; W.Va. XI 5.)

Legislature not to authorize construction street passenger railway within limits of cities without consent corporate authorities. (Ga. III Sec. VII 20.)

Legislature not to grant right to construct and operate street railroad without requiring consent local authorities having control street highway proposed occupied; this not affected by constitutional authorization of legislative charter for Chicago. (Ill. XI 4, IV 34.)

Legislature not to pass law granting right to construct and operate street railroad within city without necessity first acquiring the consent of local authorities having control of street proposed to be occupied; and such franchise shall not be transferred without similar assent. (Mo. XII 20.)

No general law shall be passed by legislature granting the right to construct and operate street railways within any city without first requiring consent of majority of electors thereof. (Nebr. XIB 2.)

No law to be passed by legislature granting right to construct and operate street railway, telegraph, telephone or electric light plant within any city without requiring consent of local authorities having control of street or highway proposed to be occupied for such purposes. (N.D. VII 139.)

No person, association or corporation to be authorized or directed to use streets, alleys or public places for construction or operation of "any public utility or private enterprise" without first obtaining consent proper authorities thereof. (Ala. XII 220.)

No street railroad to be constructed within city without consent of local authorities having control of street or highway proposed to be occupied. (Colo. XV 11.)

No street or other railroad to be constructed within city without consent of local authorities having control of street proposed to be occupied. (Ida. XI 11; Mont. XV 12.)

No street passenger railroad may be constructed within limits of city without consent of local authorities. (Pa. XVII 9.)

No street railroad or telephone line may be constructed or operated within city without consent of local authorities controlling street or highway. (Utah XII 8.)

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CITIES (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Franchises (*Cont'd*)

No person, partnership, association or corporation operating public utility to have right to use highways, streets, alleys or other public place of city for wires, poles, pipes, tracks, or conduits without consent of duly constituted authorities thereof, or to transact a local business therein without first obtaining a franchise from city. (Mich. VIII 28.)

No street passenger railway or telegraph or telephone line to be constructed within limits of without consent of local authorities; legislature not to grant right to construct and operate street railroad within city without requiring consent of local authorities having control of street proposed to be occupied. (S.D. X 3; XVII 10.)

Street railway, gas, water, steam heating, telephone, or electric light company not to be permitted or authorized to use for erection or laying of apparatus without consent of proper legislative boards of city. This section not to apply where charters conferring such rights were granted prior to constitution, and work has begun thereunder. (Ky. 163.)

Water companies must obtain consent of "proper legislative bodies or boards" before laying pipes, mains, etc. (Ky. 163.)

Regulation of

Supervision of public service corporations may be authorized by law as to companies doing business therein, including regulation of rates and charges. (Proviso to sections specifying powers of corporation commission over public service corporations.) (Ariz. XV 3.)

Powers of municipal councils or other local governing bodies respecting public utilities to cease on passage of legislation conferring powers respecting such public utilities on state railroad commission so far as such powers conflict; but in case of incorporated cities and cities and counties such local powers over public utilities as relate to making and enforcement of local, police, sanitary and other regulations other than fixing of rates to continue unimpaired until an election is held in pursuance of law; such of these powers as majority of qualified electors voting at such election shall vote to retain to continue in the local authorities unimpaired; but if vote does not favor their continuation, then such powers to vest in railroad commission; and in case the vote be in favor of retaining any of such powers a similar majority may later surrender them to the state commission. This provision not to affect right of city or of city and county to grant franchises for public utilities on terms and conditions and in manner prescribed by law and not to be construed as a limitation on the constitutional powers of the railroad commission. (Cal. XII 23.)

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CITIES (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Regulation of (*Cont'd*)

Rates for water supplied by any person or corporation to city or city and county or its inhabitants to be fixed annually by council or other governing body by ordinance or otherwise in the manner that other ordinances or resolutions are passed by such body; such ordinances to be passed in February annually to take effect July first; any party interested may maintain suit for peremptory process to compel passage of such ordinance and the board or body failing to pass same to be liable to further processes or penalties as legislature prescribes; collection of rates other than those fixed by such ordinance to work forfeiture of franchises and waterworks to the city or city and county for the public use. (Cal. XIV 1.)

Nothing in the provisions relating to telephone and telegraph companies and their lines to interfere with rights of cities to arrange and control their streets and alleys and to designate places and manner of erecting or laying wires. (Ky. 199.)

Nothing in provision relating to powers of state corporation commission to impair rights conferred by law on authorities of city to prescribe rules, regulations or rates of charges by public service corporation in connection with services performed under municipal franchise so far as such services may be wholly within the limits of city granting franchises. (Okla. IX 18; Va. XII 156b.)

Every grant of franchise to make adequate provision by way of forfeiture or otherwise to secure efficient service at reasonable rates and maintenance of property in good order. (Va. VIII 125.)

Ownership and Operation

For provisions authorizing cities to incur debts for, notwithstanding constitutional limitation on amount of city debt, See above, this title, DEBT — LIMIT OF AMOUNT.

Railroad commission to have such jurisdiction as legislature confers on it to fix compensation to be paid for public utility property taken by city and city and county and legislature authorized to grant plenary powers to railroad commission "unlimited by any provision of this constitution". Previous legislation in accordance with this provision confirmed. (Cal. XII 23a.)

City and county of Denver authorized within or outside its territorial limits to construct, condemn, purchase, acquire, lease, add to, maintain, and operate waterworks, lighting plants, power plants, transportation system, heating plants and "other public utilities or works or ways local in use and extent in whole or in part and everything required therefor for the use of said city and county and the inhabitants thereof"; "city and county" may purchase such systems, plants, works,

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CITIES (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Ownership and Operation (*Cont'd*).

or ways, or contracts connected therewith in whole or in part and purchase may be enforced by proceedings at law as in taking land for public use by eminent domain. (Colo. XX 1.)

Subject to constitution "may acquire, own and operate either within or without its corporate limits public utilities for supplying water, light, heat, power * * * to the municipality and the inhabitants thereof" and may sell and deliver outside corporate limits not exceeding 25 per cent. of amount furnished within corporate limits. (Mich. VIII 23.)

Subject to constitution city of not less than 25,000 may acquire, own and operate either within or without its corporate limits public utilities for supplying transportation to the municipality and the inhabitants thereof, and may operate transportation lines without the municipality within such limits as may be prescribed by law. (Mich. VIII 23.)

Acquisition public utility by city forbidden unless proposition approved by three-fifths of electors voting thereon at regular or special municipal election. Women taxpayers having qualifications of male electors entitled to vote. (Mich. VIII 25.)

May acquire water and light plants by construction or purchase, and may operate waterworks systems and plants for furnishing light and may furnish water and light to persons and private corporations for reasonable compensation, but no construction or purchase to be made except on majority vote of electors therein qualified to vote on bonded indebtedness thereof. (S.C. VIII 5.)

Every grant of franchise may provide that on its termination plant of grantee as well as its property in streets and public places to become property of city with or without compensation. But grantee not to be entitled to payment by reason of value of franchise. Every such grant to specify mode of determining any valuation therein provided for. Any such grant of property so acquired may be sold or leased, or if authorized by law maintained and operated by such city. (Va. VIII 125.)

WATER SUPPLY

Act of August 8, 1899, constituting sewerage and water board of city of New Orleans is ratified, with exception that in fixing rates to be charged private consumers for water from public water supply of city board shall base rates so as to provide for maintenance and operation of water system and public and private supply therefrom, and of sewerage system, and city shall be relieved of providing for maintenance or operation of sewerage and water systems. The board may also use collections from water rates charged private consumers for creation of sinking fund for ultimate renewal of systems, and any surplus may be used for maintenance and operation of public drainage system,

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CITIES (*Cont'd*)

WATER SUPPLY (*Cont'd*)

provided that rates charged private consumers shall not exceed total rates charged private consumers by board in force November 1, 1913. Board may by two-thirds vote of its members grant salary to its president *pro tem.* Board may until September 1, 1913, do all construction work with its forces or let same by contract, except that when work to be done exceeds in cost $25,000, same shall be let to lowest bidder. Legislature at session in 1914 to determine whether such permission shall continue. (La. 313, 314, 316.)

CITIZENSHIP

As qualification for office, *See* PUBLIC OFFICERS, *and titles of particular officers or classes of officers.*

As qualification to vote, *See* ELECTIONS.

As qualification to serve on jury, *See* JURIES.

Restoration to after conviction of crime, *See* CRIMES—AS DISQUALIFICATION OR DISABILITY.

Aliens, *See* ALIENS.

Persons resident in state, citizens of United States, declared citizens of state. (Miss. III 8.)

Persons resident in state, born, or naturalized in United States, and subject to jurisdiction thereof, to be citizens of state. (W.Va. II 3.)

Citizens of United States, residents in state, declared citizens of state; and legislature shall enact laws to protect them in full enjoyment of rights, privileges and immunities due to such citizenship. (Ga. I Sec. I 25.)

Every man 21 years old, natural-born citizen of this or one of the United States, or naturalized agreeably to act of Congress, having resided in state for one year before election of representatives, and of quiet and peaceful behavior, and taking oath or affirmation to vote as he judges will most conduce to best good of state, entitled to privileges of freemen of state. (Vt. II 34.)

Every person of good character coming to settle in state who first takes oath or affirmation of allegiance, may purchase, or by other just means, acquire, hold and transfer land or other real estate, and after one year's residence shall be deemed a free denizen and entitled to rights of natural-born subject of state, except privileges of a freeman, and except that he is ineligible to office of treasurer or member of lower house until after two years' residence and ineligible to office of governor or lieutenant-governor until he has resided in state four years preceding day of election. (Vt. II 62.)

Persons residing on Indian land within state to enjoy rights and privileges of citizens and to be subject to taxation. (Minn. XV 2.)

No distinction to be made between citizens of state and citizens of other states and territories in respect to purchase, enjoyment or descent of property. (Kan. B.R. 17.)

Social status of citizens never to be subject to legislation. (Ga. I Sec. I 18.)

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CIVIL DIVISIONS OF STATE, *See* MUNICIPALITIES.

CIVIL SERVICE

Appointments and promotions in civil service of state and its civil divisions (including cities and villages) to be made according to fitness and merit, ascertained, so far as practicable, by competitive examination; honorably discharged Civil War veterans who are citizens and residents of state entitled to preference. (N.Y. V 9.)

Appointments and promotions in civil service of state, counties, and cities, to be made according to merit and fitness, ascertained as far as practicable by competitive examinations. Laws to be passed for enforcement. (Ohio XV 10.)

Limitation of term of office not applicable to persons appointed to office or employment during good behavior under civil service law of state or political subdivision thereof. (Cal. XX 16.)

CIVIL WAR

For provisions as to debts incurred by states, See STATE DEBT.

No citizen of state aiding or participating in Civil War on either side to be liable in any proceeding, civil or criminal, and his property not to be seized or sold under process issued on judgments or decrees "heretofore rendered, or otherwise", because of act done according to usages of civilized warfare. Legislature to provide by general laws for enforcing this provision. (W.Va. VIII 20.)

No person to be prosecuted in civil action or criminal proceeding for or on account of act done by him between January 1, 1861, and August 20, 1866, by virtue of military authority vested in him or in pursuance of orders from person vested with such authority by government of United States or of this state or of Confederate states; if action or proceedings instituted against him, defendant may plead this provision in bar. (Mo. XIV 2.)

COLORED PERSONS

Education of, *See* EDUCATION.

Marriage with whites, *See* MARRIAGE.

Right to hold office, *See* PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS — RACIAL.

Right to vote, *See* ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — RACE OR COLOR.

Slavery, *See* SLAVERY.

No citizen to be deprived of right, privilege or immunity, or exempted from burden or duty on account of race, color, or previous condition. (Ark. II 3.)

Laws of this state affecting political rights and privileges of its citizens to be without distinction of race or color. (Wyo. I, 3.)

Right of citizen of state to sit on juries not to be restricted, abridged or impaired on account of race or color, except as otherwise provided in constitution. This provision not to be amended except on vote of people in an election at which at least three-fourths of electors voting in state and at least two-thirds of those voting in each county shall vote for such amendment. (N.M. VII 3.)

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COLORED PERSONS (*Cont'd*)

No free negro or mulatto, not residing in state at time of adoption of constitution shall come, reside or be within state, or hold real estate or make contracts or maintain suit in state; and legislature to provide by penal laws for removal by public officers and for their effectual exclusion from state and for punishment of persons who bring them into state or employ or harbor them. (Ore. I 35.)

No indenture of any negro or mulatto executed out of state valid within state. (Ind. I 37.)

Living together as man and wife in this state, of white person and negro, mulatto, or person of mixed blood, descended from negro to third generation, prohibited. Legislature to enforce provision by appropriate legislation. (Tenn. XI 14.)

Wherever used in constitution or laws words "colored", "colored race", "negro", "negro race", to mean all persons of African descent. (Okla. XXIII 11.)

COMMISSIONERS, *See* COURTS.

COMMISSIONERS' COURTS, *See* COUNTIES.

COMMISSIONERS' COURTS OF APPEAL, *See* COURTS — HIGHEST COURT.

COMMISSIONS TO PUBLIC OFFICERS, *See* PUBLIC OFFICERS.

COMMON CARRIERS

For provisions relating to all transportation companies, See TRANSPORTATION COMPANIES.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

For a particular kind of common carrier, See the specific title.

ACT OF CONGRESS

Act of April 22, 1908, relating to liability of common carriers by railroads to their employees continued in force. (N.M. XXII 2.)

COMBINATION AND POOLS

Combination or contract with vessel leaving or making port in state, or with other common carrier, by which earnings of one doing carrying to be shared by other not doing carrying prohibited. (Cal. XII 20; Ky. 201; Wash. XII 14.)

Nor to consolidate or pool with, purchase or operate parallel or competing line. (Ky. 201.)

COMMON LAW LIABILITY

Contract to avoid common law liability not permitted. (Ky. 196.)

CONTROL

General Control

Legislature so to control common carriers as to prevent monopolies and trusts. (Ala. IV 103.)

Legislature to correct abuses, prevent discrimination or excessive charges and to provide for enforcement of laws by adequate penalties. (Fla. XVI 30.)

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COMMON CARRIERS (*Cont'd*)
CONTROL (*Cont'd*)
General Control (*Cont'd*)
Legislature to enact laws for supervision, by commission or otherwise, and provide penalties to extent of forfeiture of franchise. (Miss. VII 186.)
Legislature to prescribe reasonable maximum rates, correct abuses, prevent discrimination and extortion and provide adequate penalties. (Utah XII 15; Wash. XII 18.)
Right of state to define duties, to control and to fix and limit charges of common carriers not to be surrendered or abridged. (Va. XII 164.)
State corporation commission exercises general control, with right of commission or carrier to remove case to supreme court. (N.M. XI 7.)
State corporation commission may inspect books and records and require special reports under oath. (N.M. XI 11.)
State railway commission given general control, including rate regulation, and may act under or without a legislative provision. (Nebr. V 19A.)
Transportation of freight and passengers to be so regulated by general law as to prevent discrimination. (Ky. 196.)
Interstate Rates
State corporation commission to keep informed of interstate rates and institute cases before federal authorities, where advisable. (N.M. XI 9.)
Long and Short Haul Provisions
Rates for passengers or like kind of property not to be more for shorter than including longer distance unless railroad commission, after investigation, permits; construction of section. (Ky. 218.)
Rates for passengers or like kind of property not to be more for shorter than including longer distance unless state corporation commission permits in certain named cases; exceptions enumerated; construction of section. (N.M. XI 10.)
Passes or Reduced Rates
Free passes or discounted fare, other than as given public generally, not to be granted member of legislature or any salaried officer of state; suitable penalties to be provided. (Fla. XVI 31.)
Passes or reduced rates not common to public to state, district, city, town or county officer, member of legislature or judge forbidden; "heavy penalty" to be fixed on carrier, forfeiture of office on recipient. (Ky. 197.)
Special rates permitted for exigencies, in mileage, excursion and commutation tickets, for public or charitable objects, in state or United States service. (N.M. XI 10.)

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COMMON CARRIERS (*Cont'd*)

CONTROL (*Cont'd*)

Rate Control

Passenger and freight rates subject to legislative control. (Ida. XI 5.)

Safety Appliances

State corporation commission may require safety appliances, necessary or as required by federal law; right to remove question to supreme court. (N.M. XI 7.)

DEFINITION

Includes corporations engaged in transportation of persons, property, mineral oils, mineral products, news and intelligence. (Wyo. X Corporations 7.)

DRAWBACKS AND REBATES

Drawbacks, rebates for products or services prohibited and penalties to be provided. (Tex. XVI 25.)

GRAIN

Required to weigh or measure grain where shipped, receipt for same and be responsible for delivery to owner or consignee. (Ill. XIII 4.)

AS PUBLIC UTILITIES

Declared to be public utilities subject to control and regulation of railroad commission. (Cal. XII 23.)

REQUIREMENT OF TRANSPORTATION

Carriers which use lands taken by eminent domain bound to carry the mineral, agricultural and other productions of manufacturers on equal and reasonable terms. (Minn. X 4.)

RESTRICTIONS

Incorporated company doing business of a common carrier not to engage in any other business or hold or acquire lands not necessary for business. (Pa. XVII 5.)

Incorporated company doing business of a common carrier not to engage in mining, or manufacturing articles for transportation over its works. (Pa. XVII 5.)

No corporation engaged in business of common carrier to own, operate or engage in any other business or hold, own, lease or acquire mines, factories or timber, except such as necessary for business. (Ky. 210.)

Railroad not to transport articles manufactured, mined or produced by it, or in which it has interest, except such as necessary for its business as common carrier. (Okla. IX 12.)

RIGHT OF WAY

Fee of land taken by common carriers for right of way without consent of owner, shall remain in owner subject only to use for which taken. (Okla. II 24.)

TAXATION

See TAXATION — ASSESSMENT — CORPORATE PROPERTY.

See TAXATION — OBJECTS AND KINDS OF TAXATION — PUBLIC UTILITIES.

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COMPTROLLER

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title PUBLIC OFFICERS. *For provisions relating to the auditor (under which title this officer is known in some states), See* AUDITOR. *See also* STATE EXAMINER.

ACCOUNTS, *See below, this title,* REPORTS.

BOND

To be prescribed by law. (Md. VI 1.)

To give bond and security under regulations prescribed by law for faithful discharge of duties. (Ga. V Sec. II 6.)

CLERICAL ASSISTANTS

No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)

Clerical expenses including insurance department and wild-land clerk not to exceed $4,000 a year and without such clerk, not to exceed $3,000 a year. (Ga. V Sec. II 4.)

COMPENSATION

Salary

Fixed by law. (N.Y. V 1; S.C. IV 24.)

Fixed at $2,000. (Fla. IV 29.)

Not to exceed $2,000. (Ga. V Sec. II 4.)

Fixed at $2,500. (Md. VI 1.)

Fixed at $2,500 and "no more". (Tex. IV 23.)

Fixed at $5,000. (Cal. V 19.)

Increase or Decrease

Salary not to exceed $2,000. (Ga. V Sec. II 4.)

Allowed after eight years from adoption of constitution. (Fla. IV 29.)

Increase prohibited. (Tex. IV 23.)

May be decreased, but not increased. (Cal. V 19.)

Prohibited during period for which elected. (Cal. V 19; N.Y. V 1; S.C. IV 24.)

Compensation Other Than Salary

Salary to be in full for all services rendered in official capacity or employment during term of office. (Cal. V 19.)

Not to receive additional compensation beyond salary for services rendered state in connection with Internal Improvement Fund or other interests belonging to state. (Fla. IV 29.)

Fees, perquisites or compensation other than salary prohibited. (N.Y. V 1.)

Fees or perquisites for performance of any official duty not to be received to own use. (Cal. V 19.)

Fees, commissions or perquisites in addition to salary not to be allowed for performance of duty or services. (Md. VI 1.)

Fees, perquisites or compensation other than salary not allowed, except necessary expenses when absent from seat of government on business of state. (Ga. V Sec. II 7.)

Fees or perquisites for performance of duty connected with office or for performance of additional duty imposed by law not to be received to own use. (Nev. XVII 5.)

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COMPTROLLER (*Cont'd*)

COMPENSATION (*Cont'd*)

Compensation Other Than Salary (*Cont'd*)

Fees, costs or perquisites of office, not to receive to own use; fees payable by law for service performed paid when received into treasury. (Tex. IV 23.)

Expenses

Necessary expenses when absent from seat of government on business of state. (Ga. V Sec. II 7.)

No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)

Clerical expenses, including insurance department and wild-land clerk not to exceed $4,000 a year, and without such clerk, not to exceed $3,000 a year. (Ga. V Sec. II 4.)

Payment

Quarterly out of state treasury. (Nev. XVII 5.)

ELECTION

Under this subhead are digested those provisions which specifically refer to this officer; for provisions relating to elections in general, See the title ELECTIONS; *for provisions allowing the legislature to establish offices and provide for their election or appointment, See the title* PUBLIC OFFICERS.

Electors

Qualified electors of state. (Conn. Amend. V; Md. VI 1; S.C. IV 24; Tex. IV 2.)

Same as for governor. (Cal. V 17; Nev. V 19.)

Same as for members of legislature. (Ga. V Sec. II 1.)

Joint vote of both houses of legislature. (N.J. VII Sec. II 3; Tenn. VII 3.)

Time and Places

Same as for governor. (Cal. V 17; Fla. IV 20; Ga. V Sec. II 1; Nev. V 19.)

Same as for members of lower house. (Md. VI 1.)

Same as for members of legislature. (Tex. IV 2.)

At general election at time and place of electing governor. (N.Y. V 1, 2.)

Tuesday after first Monday of November, 1886, and biennially thereafter. (Conn. Amend. XXVII 1.)

Returns and Canvass

Votes to be returned to, counted, canvassed and declared by treasurer and secretary. (Conn. Amend. 5.)

Same as for governor. (Cal. V 17; Ga. V Sec. II 1; Nev. V 19; Tex. IV 3.)

Majority vote necessary for choice. (Ga. V Sec. I 5; Sec. II 1.)

Contested Elections

Determined by legislature in manner prescribed by law. (Ga. V Sec. I 6. Sec. II 1.)

Determined by both houses of legislature in joint session. (Tex. IV 3.)

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COMPTROLLER (*Cont'd*)

ELECTION (*Cont'd*)

Tie Vote

Legislature by joint vote to elect one of persons in tie. (Cal. V 4, 17; Nev. V 4, 19.)

Legislature on second day of session by joint vote to elect without debate one of persons in tie. (Conn. Amend. XXX.)

Legislature by joint vote, without delay, to elect one of persons in tie. (Tex. IV 3.)

If no person has majority, legislature immediately to elect one of two persons having highest vote; election by *viva voce* vote, and majority of members present necessary to choice. (Ga. V Sec. I 5, Sec. II 1.)

IMPEACHMENT

See also IMPEACHMENT.

May be impeached. (Tex. XV 2.)

For misdemeanor in office. (Cal. IV 18.)

For crime in official capacity which may require disqualification. (Tenn. V 4.)

OATH OF OFFICE

As prescribed by law. (Md. VI 1.)

POWERS AND DUTIES

As prescribed by law. (Conn. IV 19; Fla. IV 23; Md. VI 2; Nev. V 22; N.Y. V 6; S.C. IV 24; Tex. IV 23.)

QUALIFICATIONS

Twenty-five years old at time of election. (Ga. V Sec. II 6.)

Must have been citizen of United States for 10 years (preceding election?) (Ga. V Sec. II 6.)

Must have been citizen of state for six years preceding election. (Ga. V Sec. II 6.)

Any elector eligible. (Nev. V 19.)

Ineligible to legislature. (Conn. X 4.)

REMOVAL

Legislature may provide for suspension and appointment of person to discharge duties of office. (Ga. V Sec. I 18.)

If, during recess of legislature, charges are preferred to governor for incompetency, malfeasance in office, wilful neglect of duty or misappropriation of state funds, governor forthwith to notify him and fix date for hearing of charges and if, on evidence taken under oath, allegations are sustained, governor to remove him and appoint successor to hold for unexpired term. (Md. VI 6.)

RESIDENCE

At state capital during continuance in office. (Tex. IV 23.)

Keep office at seat of government. (Md. VI 1; Nev. XV 12.)

Keep office at seat of government, but in case of invasion or violent epidemics, governor may direct office to be removed temporarily to other place. (Fla. XVI 10.)

REPORTS

To make to governor quarterly report of financial condition of state, including statement of assets, liabilities and income, and expenditures "therefor" for the three months preceding. (Ga. VII Sec. XV 1.)

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COMPTROLLER (*Cont'd*)

REPORTS (*Cont'd*)

To prepare estimates and reports of revenue and expenditures of state; and make to legislature reports of his proceedings, and of the state of the treasury department, within 10 days after beginning of each session. (Md. VI 2.)

Audit and examination of account, *See* STATE FINANCES.

TERM OF OFFICE

Length

Same as for governor. (Cal. V 17; Fla. IV 2d; Nev. V 19.)

Two years. (Conn. Amend. XXVII 2; Md. VI 1; N.Y. V 1, 2; S.C. IV 24; Tenn. VII 3; Tex. IV 23.)

Three years. (N.J. VII Sec. II 3.)

To serve until successor qualified (regardless of length of term specified). (Conn. Amend. XXVII 2; Md. VI 1; N.J. VII Sec. II 3; S.C. IV 24; Tex. IV 23.)

Time of Beginning

Same as for governor. (Fla. IV 28; Nev. V 19.)

Third Monday of January after election or as soon thereafter as practicable. (Md. VI 5.)

Wednesday after first Monday of January after election. (Conn. Amend. XXVII 2.)

VACANCY IN OFFICE

Filled by governor with advice and consent of senate until successor elected and qualified. (Md. VI 1.)

CONCEALED WEAPONS, *See* ARMS.

CONCILIATION COURTS, *See* COURTS — ARBITRATION COURTS.

CONGRESS OF UNITED STATES

No person to vote at any federal election unless name appears on list of registered voters. (Md. I 5.)

Members chosen or elected in manner and at time prescribed by law. (La. 206.)

Certificates of election or credentials not to be given to person as having been elected to house or senate who has not been five years citizen of state and 10 years citizen of United States. (Fla. XVI 20.)

Legislature to elect United States senators in manner prescribed by Congress and by state constitution. (Fla. III 31.)

Provision to be made by law for preferential vote for United States senator. (Ohio V 7.)

Legislature may provide that at general election immediately preceding expiration of term of United States senator from state, electors may by ballot express preference for some person for said office. Votes cast to be canvassed and returned in same manner as for state officers. (Nebr. Separately Submitted.)

At any time federal constitution may permit election of United States senators by direct vote of people, legislature to provide for their election as for election of governor and other elective officers; legislature to enact law providing for mandatory primary system, which shall provide for nomination of all candidates in all elections for all political

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CONGRESS OF UNITED STATES (*Cont'd*)

parties, including United States senators; but this not to exclude right of people to place on ballot by petition any non-partisan candidate. (Okla. II 4, 5.)

Governor ineligible to election or appointment to senate during term and within year after expiration. (Ala. V 116.)

Governor ineligible for election to senate of United States during term for which elected. (Utah VII 23.)

For election of representatives to Congress, state to be divided into districts corresponding in number with representatives to which it may be entitled; districts to be formed of contiguous counties and be compact; each district to contain as nearly as may be equal number of population, determined according to rule prescribed in the Constitution of United States. (W.Va. I 4.)

One representative elected from state on Tuesday after first Monday of November, 1895, and thereafter at such times and places, and in such manner as prescribed by law. When new apportionment made by Congress, legislature to divide state into congressional districts accordingly. (Utah IX 1.)

Until otherwise provided by law members of house of representatives, apportioned to this state, to be elected by state at large. (S.D. XIX 1.)

CONSERVATION

Laws may be passed providing for conservation of natural resources of state, and for formation of districts. (Ohio II 36.)

Fish and game, *See* GAME.

Forests, *See* FORESTS.

Waters, *See* WATERS.

CONSTABLES

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See title PUBLIC OFFICERS, *and title* COUNTIES — OFFICERS.

IN GENERAL

To be furnished by presiding judge of county court with certificate of election on which his official oath of office shall be indorsed. (Township constable.) (Ark. VII 47.)

Legislature, if it creates municipal courts for Chicago, may abolish office of constable. (Ill. IV 34.)

Not to be regulated by local or special law. (Minn. IV 33.)

Creation of election districts for constable not to be provided for by local, private or special law. (Miss. IV 90.)

APPOINTMENT

To be appointed by county commissioners for the election districts of the counties, and by mayor and council for election districts of Baltimore. (Md. IV Pt. VI 42.)

Each magistrate under regulations prescribed by law to appoint one or more constables. (S.C. V 20.)

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CONSTABLES (*Cont'd*)

BOND

Before entering on duties and as often as may be deemed proper to give bond and security prescribed by law. (Ky. 103.)

To furnish bond (New Orleans). (La. 145.)

COMPENSATION

If precinct includes part of city or town, to be paid fixed salary and not to receive fees for own use. (Ariz. XXII 17.)

Compensation to be prescribed by law. (Fla. VIII 6; Ill. VI 18, 32; Md. IV Pt. VI 42; S.C. V 24, 20.)

To receive such compensation in civil matters as fixed by law; to receive none in criminal matters or in peace bond cases; but in lieu thereof salaries fixed by "police jury" and paid by parish; "which salaries shall be graded". (La. 127, 128.)

To be fees of office as fixed by law (New Orleans). (La. 145.)

Constable shall accept fees as full compensation. (Utah XXI 2.)

In cities having population of 5,000 or more, legislature to fix compensation by salary. (Wash. XI 8.)

In precincts having more than 1,500 population to receive as compensation fees provided by law. (Wyo. XIV 2.)

ELECTION

In precincts lying in or partly in city or incorporated town of more than 1,500 inhabitants legislature may provide for election of one constable. In precincts not lying within or partly in such cities or towns qualified electors of precinct to elect one constable. (Ala. VI 168.)

To be elected by qualified voters of township. (Ark. VII 47; N.C. IV 24.)

To be elected in each precinct at election for members of legislature. This section to govern unless otherwise expressly provided by the constitution. (Colo. XIV 11.)

Legislature to provide for election of by qualified electors in each county. (Fla. VIII 6.)

To be elected by registered voters in each justice of peace district. (Fla. V 23.)

To be elected in and for such districts as are or may be provided for by law. (Ill. VI 21.)

One to be elected in each justice's district. (Ky. 99.)

To be elected by qualified electors of territorial limits of counties. (La. 127.)

Constable of city court of New Orleans to be elected by qualified voters of specified portion of city. (La. 146, 147.) If not fixed by constitution to be elected at parochial and municipal elections. (Parish of Orleans.) (La. 152.)

To be chosen in each county in manner provided by law "for each district". (Miss. VI 171.)

To be elected in and for such districts or precincts as are provided by law. (N.M. VI 26.)

To be elected by qualified voters in each district. (Tenn. VI 15.)

One to be elected in each precinct. (Tex. V 18.)

To be elected by voters of each district. (W.Va. IX 2.)

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CONSTABLES (*Cont'd*)

FEES

Legislature may provide by law what fees constable may charge, and such fees shall be uniform throughout state. (Ala. VI 168.)

Private, local or special legislation increasing fees, forbidden. (Ala. IV 104.)

Legislature to provide general fee bill or bill of costs regulating fees and compensation in civil matters. (La. 129.)

To continue as fixed by law until otherwise provided by law. (La. 153.)

Constable exempt from requirement in constitution in relation to return of fees. (Md. XV 1.)

Local or special legislation regulating fees, forbidden. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

INDICTMENT

Subject to indictment for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law; but officer to have right to appeal to court of appeals. Conviction renders office vacant. (Ky. 227.)

JURISDICTION

Not to be regulated by private, local or special law. (Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Ind. IV 22; Mont. V 26; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; Ore. IV 23; Wyo. III 27.)

To be co-extensive with county. (Ky. 101; Tenn. VI 15.)

Prescribed by law. (Md. IV Pt. VI 42.)

Elected for districts but powers to extend throughout county. (W.Va. IX 2.)

NUMBER

One for each precinct. (Ala. VI 168.)

Two for each precinct in county. In precinct containing 50,000 or more inhabitants number of constables may be increased by law. This section to govern unless otherwise expressly provided by constitution. (Colo. XIV 11.)

One for each justice's district. (Fla. V 23.)

One for the court of each justice of the peace. (La. 127.)

One constable provided for city courts, to appoint necessary deputies and fix their salaries and remove at pleasure; to furnish and pay one deputy to attend "sittings" of each judge; judge to select such deputy; latter to perform duties required by constable when not engaged in court. (New Orleans.) (La. 145, 147.)

Such number as provided by law for the several election districts of counties and wards of the city of Baltimore. (Md. IV 42.)

Local, private or special legislation providing for creation of districts for election of constables, forbidden. (Miss. IV 90.)

Competent number in each county. (Miss. VI 171.)

One or more as provided by law. (S.C. V 20.)

One for each district (not more than 25 districts in a county) except in districts including county towns, where two. (Tenn. VI 15.)

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CONSTABLES (*Cont'd*)

NUMBER (*Cont'd*)

Each county to be divided into not less than four nor more than eight precincts; one constable to be elected in each. (Tex. V 18.)

One for each district in a county and if population exceeds 1,200 one additional. (W.Va. IX 2.)

OATH OF OFFICE

Shall be endorsed upon certificate of election. (Ark. VII 47.)

POWERS AND DUTIES

Not to be regulated by private, local or special law. (Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Ind. IV 22; Minn. IV 33; Mont. V 26; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; Ore. IV 23; Wyo. III 27.)

To perform such duties and under such regulations as prescribed by law. (Fla. V. 23, VIII 6.)

As provided by law. (Ill. VI 18, 32.)

Exempt from requirement in constitution in relation to return of fees. (Md. XV 1.)

To be conservator of the peace and to have such duties as prescribed by law. (Md. IV Pt. VI 42.)

Local or special legislation extending powers and duties of, forbidden. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

To execute writs and processes issued by magistrate. (S.C. V 20.)

To be conservator of peace throughout county. (W.Va. IX 7.)

QUALIFICATIONS AND DISQUALIFICATIONS

Twenty-four years of age at time of election; citizen of Kentucky; resident of state two years and in county or district in which he is candidate one year next preceding election. (Ky. 100, 101.)

Not to be eligible to seat in legislature. (W.Va. VI 13.)

REMOVAL

May be removed by circuit or other court of like jurisdiction or criminal court of county in which such officer holds office as prescribed by law, provided that right to jury trial and appeal be secured. Grounds for removal: "wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office or committed under color thereof or connected therewith". Penalty not to extend beyond removal and disqualification from holding office under authority of state for the term for which such officer was elected or appointed, but accused to be liable to indictment or punishment as prescribed by law. (Ala. VII 173, 175, 176.)

To be removed on prosecution and final conviction for misdemeanor in office. (Ill. VI 21, 30.)

In New Orleans may be removed by judges of city court on proof, after trial, without a jury, of gross or continued neglect, incompetency or unlawful conduct "operating injury" to court or any individual; majority of judges may render judgment in case; court to adopt rules regulating complaints and trial in such cases; de-

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CONSTABLES (*Cont'd*)

REMOVAL (*Cont'd*)

cision subject to appeal to court of appeal for parish of Orleans. (La. 145, 137, 147.)

May be removed by judge having criminal jurisdiction "for incompetency, wilful neglect of duty or misdemeanor in office, on conviction in a court of law". (Md. IV Pt. VI 42.)

May be removed by judges of district court for incompetency, official misconduct, habitual drunkenness or other causes defined by law on written statement of cause "and the finding of its truth by a jury". (Tex. V 24.)

RESIDENCE

To reside in district for which elected. (Ill. VI 21, 32; Tenn. VI 15; W.Va. IX 2.)

TERM

Two years. (Ark. VII 47; Colo. XIV 11; Md. IV Pt. VI 42; Tenn. VI 15.)

Four years. (Fla. VIII 6; La. 127; Miss. VI 171; W.Va. IX 2.)

Four years and until successors qualify. (Ill. VI 21, 32.)

To commence January 1st next after election and to continue for four years, and until successor qualifies. (Ky. 99.)

Two years and until successor qualifies. (Township constable.) (N.C. IV 24, 25.)

Two years and until successor qualifies. (Tex. V 18.)

VACANCIES

To be filled by election; but if unexpired term does not exceed one year, by appointment by board of supervisors, or board of county commissioners, in county where vacancy occurs. (Ill. VI 32.)

Conviction for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law renders office vacant. (Ky. 227.)

Vacancy filled by appointment of county commissioners or by mayor and council in Baltimore for balance of term. (Md. IV Pt. VI 43.)

Filled by county commissioners for balance of term. Failure to qualify renders office vacant. (N.C. IV 24, 25.)

Removal from district in which elected renders office vacant. (Tenn. VI 15.)

If unexpired term is more than one year, to be filled by special election called by "proper legal authority" held within 60 days under general state elections laws; where unexpired term is less than one year governor to fill with consent of senate for balance of term. (New Orleans.) (La. 157.)

CONSTITUTION OF STATE

Not to revive laws, See LAWS — REVIVAL.

EFFECT

On existing laws, See LAWS — EXISTING TO REMAIN IN FORCE.

Operative in war as well as peace: departure from or violation of under plea of necessity or any other plea subversive of good government and tends to anarchy and despotism. (W.Va. I 3.)

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CONSTITUTION OF STATE (*Cont'd*)

EFFECT (*Cont'd*)

Provisions mandatory, except where otherwise declared. (Ariz. II 32; Cal. I 22; Mont. D.R. 29; N.D. I 21; S.C. I 29; Utah I 26; Wash. I 29.)

Obligatory upon all until changed by act of people. (R.I. I 1.)

Omission from constitution of article of constitution of 1898 and amendments thereto or any other existing constitutional provision not to amount to repeal thereof unless inconsistent with this constitution. (La. 326 (6).)

Provision of express or implied contracts to waive any benefits of constitution to be void. (Okla. XXIII 8.)

LAWS ENFORCING, *See* LAWS — ENFORCING CONSTITUTION.

PRESERVATION

To be enrolled on parchment and deposited in office of secretary of state and to be part of laws of land. (Me. X 3; N.H. II 100.)

PUBLICATION

State constitution to be prefixed to editions of laws. (Me. X 3; Mass. Pt. II Ch. VI 11; Nebr. XVI 28; N.H. II 100.)

State constitution to be prefixed to every codification of laws. (Del. XV 9.)

REPORTS BY JUDGES ON DEFECTS

Defects and omissions with appropriate bills to remedy reported in writing by judges of highest court to governor on or before December 1st, transmitted by governor to legislature with message. (Colo. VI 27.)

Defects in to be reported by judges of highest court to legislature annually. (Ill. VI 31.)

Defects and omissions reported by justices of highest court to governor on or before December 1st of each year. Transmitted by governor to legislature with message. (Ida. V 25.)

SUPREME LAW

Constitution of state to be law of general operation second in authority to United States constitution. (Ga. XII Sec. I 2.)

Constitution to be, of the state. (Iowa XII 1; Me. X 3; R.I. IV 1.)

UNCONSTITUTIONALITY OF LAWS

Adoption by people of law declared unconstitutional, *See* COURTS — DECISIONS.

No law to be held unconstitutional by highest court without concurrence of at least all but one of judges, except in affirmance of judgment of intermediate court of appeals declaring law unconstitutional. (Ohio IV 2.)

Decision of highest court in case involving construction of to be by court *en banc*. (Colo. VI 5.)

No court but highest to declare unconstitutional law, or city charter or amendment adopted by people in cities; decision subject to approval or disapproval by people. (Colo. VI 1.)

Assent of at least three judges of highest court necessary to declare law repugnant to state constitution; if not more than two judges sitting agree and case cannot be determined without passing on

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CONSTITUTION OF STATE (*Cont'd*)

UNCONSTITUTIONALITY OF LAWS (*Cont'd*)

the question, no decision to be rendered, but case to be reheard by full court; and in no case where jurisdiction depends solely upon fact that constitutionality of a law is involved shall court decide case upon merits unless decision of appellant upon constitutional question is sustained. (Va. VI 88.)

If it appears to justices of highest court, or any three of them, that question of constitutional law is involved on which entire court has not agreed, the chief justice, or in his absence presiding associate justice, shall call to assistance of highest court all the judges of the circuit courts. Decision of majority of justices and judges sitting to be final and conclusive. If number qualified to sit constitute even number, one of circuit judges, determined by lot, shall retire. (S.C. V 12.)

If question as to construction of provision of constitution or as to constitutionality of act of legislature arises in case pending in appellate court, court shall so certify to highest court and transmit a transcript of record to highest court, which instructs appellate court; but if by reason of equal division of opinion no instruction given, appellate court may decide question. (Ga. VI Sec. II 9.)

Acts in violation of void, and judiciary shall so declare. (Ga. I Sec. IV 2.)

Law inconsistent with constitution to be void. (Iowa XII 1; R.I. IV 1.)

CONSTITUTION OF UNITED STATES

Adoption by people of law declared unconstitutional by State court. *See* COURTS — DECISIONS.

Constitution of the United States is supreme law of land. (Ariz. II 3; Cal. I 3; Ida. I 3; N.M. II 1; N.D. I 3; S.D. VI 26; Utah I 3; Wash. I 2; W.Va. I 1; Wyo. I 37.)

Constitution of United States and laws in pursuance thereof, and treaties made under authority of United States are supreme law. (Ga. XII Sec. I 1; Md. D.R. 2; W.Va. I 1.)

Operative in war as well as peace; departure from or violation of under plea of necessity or any other plea subversive of good government and tends to anarchy and despotism. (Md. D.R. 44; W.Va. I 3.)

State subject only to. (Mo. II 3; Tex. I 1.)

Citizens owes paramount allegiance to. (Fla. D.R. 2; N. C. I 5.)

No law in contravention of binding. (N.C. I 5.)

Acts in violation of void, and judiciary to so declare them. (Ga. I Sec. IV 2.)

Change in form of state government not to be repugnant to constitution of United States. (Colo. II 2; Miss. III 6; Mo. II 2; Mont. III 2; N.C. I 3; Okla. II 1.)

No convention or legislature of state to act upon amendment proposed by Congress unless elected after submission of amendment. (Fla. XVI 19; Tenn. II 32.)

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CONSTITUTION OF UNITED STATES (*Cont'd*)

Legislature not to adopt change in, which may impair right of local self-government. (Mo. II 3.)

Assent of at least three judges of highest court necessary to declare law repugnant to United States constitution; if not more than two judges sitting agree and case cannot be determined without passing on the question, no decision to be rendered but case to be reheard by full court; and in no case where jurisdiction depends solely upon fact that constitutionality of a law is involved shall court decide case upon merits unless decision of appellant upon constitutional question is sustained. (Va. VI 88.)

If question as to construction of provisions of constitution or as to constitutionality of act of legislature arises in case pending in appellate court, court shall so certify to highest court and transmit a transcript of record to highest court, which instructs appellate court; but if by reason of equal division of opinion no instruction given, appellate court may decide question. (Ga. VI Sec. II 9.)

Decision of highest court in case involving a construction of the constitution of the United States not to be decided except by court *en banc*. (Colo. VI 5.)

No law to be held unconstitutional by highest court without concurrence of at least all but one of judges, except in affirmance of judgment of intermediate court of appeals declaring law unconstitutional. (Ohio IV 2.)

CONTEMPTS

Of legislature, *See* LEGISLATURE.

Of public service commission, *See* PUBLIC SERVICE COMMISSIONS.

Power of courts to punish for contempt to be limited by law. (Ga. I Sec. I 20; La. 177; Va. IV 63.)

Legislature may regulate by law punishment of contempts not committed in presence or hearing of courts, or in disobedience of process. (Ark. VII 26.)

Legislature to pass laws defining and regulating proceedings and punishment; any person accused of violating or disobeying when not in presence or hearing of court or judge sitting as such, order of injunction or restraint shall, before penalty or punishment is imposed, be entitled to trial by jury; penalty or punishment not to be imposed for contempt until opportunity to be heard is given. (Okla. II 25.)

CONTRACTS

For monopolies, *See* MONOPOLIES AND TRUSTS.

Public, *See* PUBLIC CONTRACTS.

Laws impairing obligation of prohibited. (Ala. I 22; Ariz. II 25; Ark. II 17; Cal. I 16; Colo. II 11; Fla. D.R. 17; Ga. I Sec. III 2; Ida. I 16; Ill. II 14; Ind. I 24; Iowa I 21; Ky. 19; La. 166; Me. I 11; Mich. II 9; Minn. I 11; Miss. III 16; Mo. II 15; Mont. III 11; Nebr. I 16; Nev. I 15; N.M. II 19; N.D. I 16; Okla. II 15; Ore. I 21; Pa. I 17; R.I. I 12; S.C. I 8; S.D. VI 12; Tenn. I 20; Tex. I 16; Utah I 18; Va. IV 58; Wash. I 23; W.Va. III 4; Wis. I 12; Wyo. I 35.)

No law of state to impair obligation of contracts by destroying or impairing remedy for their enforcement. (Ala. IV 95.)

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CONTRACTS (*Cont'd*)

Legislature to have no power to pass laws impairing obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects and errors, in instruments and proceedings, arising out of their want of conformity with laws of state. (Ohio II 28.)

Legislature not to pass any law impairing obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when contract was made. (N.J. IV Sec. VII 3.)

Nothing contained in constitution to impair validity of contracts. (Tenn. XI 2.)

Legislature to enact laws to prevent contracts and agreements inimical to public welfare. (Miss. VII 198; S.C. IX 13.)

Any provision of express or implied contract stipulating for notice or demand, other than such as provided by law, as a condition precedent for any claim, demand or liability, to be void. (Okla. XXIII 9.)

Person to be held to voluntary contract to attend or support place of worship. (Mo. II 6.)

CONTRIBUTORY NEGLIGENCE, *See* INJURIES.

CONVICT LABOR

Use of convict fund for roads, *See* ROADS — STATE AID.

Provision forbidding state or subdivision thereof to employ aliens on any public work not to be construed to prevent working of prisoners by state or municipality thereof, on streets, roads or other public work. (Ariz. XVIII 10.)

Labor of convicts not to be let out by contract; legislature to provide for working of convicts for benefit of state. (Cal. X 6.)

Unlawful for commissioners of penitentiary or other reformatory institution of state to let by contract the labor of convict. (Ill. Convict Labor Amend. of 1886.)

Persons convicted of felony and sentenced to penitentiary to be confined at labor within walls of penitentiary and legislature shall not authorize employment elsewhere, except upon public works of state or when during pestilence or in case of destruction of prison they cannot be confined in penitentiary. State to maintain control of discipline and provide for all supplies and for sanitary conditions of convicts; labor only of convicts may be leased. (Ky. 253, 254.)

Legislature may authorize employment "under state supervision and proper officers and employees of state", of convicts on public roads or other public works or convict farms, or in manufactories owned or controlled by state, under provisions and restrictions prescribed by law; and shall enact necessary laws; no convict sentenced to state penitentiary to be leased or hired to any person, or private or public or quasi-public corporation or board, save as herein provided. (La. 196.)

If parish divided into road districts, judge may sentence any one convicted of offense, when punishment imposed by law is imprisonment in jail in first instance, or in default of payment of fine, to work on

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CONVICT LABOR (*Cont'd*)

roads, bridges and other public works of parish; and when prescribed punishment is imprisonment in penitentiary, may sentence him to work on roads, bridges and other works of parish where crime committed, if sentence imposed does not exceed six months. (La. 292.)

Legislature to provide by general law for working on public roads by contract or by county prisoners, or both. Such law may be put in operation only by vote of board of supervisors in counties where it may be desirable. (Miss. IV 85.)

Penitentiary convict not to be leased or hired to any person or private, public or quasi-public corporation or board after December 31, 1894, previous lease or hiring not to extend beyond that date; legislature to abandon system as much sooner as consistent with economic safety of state but legislature may authorize employment under state supervision and proper officers and employees of state, of convicts on public roads or other public works, or by any levee board or any public levees under such provisions and restrictions as it may deem proper; but convicts not to be let or hired to contractors under board, and working of convicts on public roads, or public works, or by any levee board, not to interfere with preparation for or cultivation of crop which may be intended shall be cultivated by convicts, nor interfere with management of state affairs nor put state to any expense. Legislature may place convicts on state farm or farms and have them work thereon under state supervision exclusively, in tilling soil or manufactures, and may buy farms for that purpose. Convicts sentenced to county jail not to be hired or leased outside of county of conviction after January 1, 1893. (Miss. X 223, 224, 225, 226.)

Warden or other officer of state penitentiary or reformatory institution or any state officer not to let by contract to any person labor of any convict within said institution. (Mont. XVIII 2.)

Persons confined in penitentiary, so far as consistent with discipline and public interest, to be employed in beneficial industry; and where convict has dependent family his net earnings paid to family if necessary for support. Leasing of convict labor by state prohibited. (N.M. XX 15, 18.)

Legislature to provide for occupation and employment of all prisoners sentenced to state prisons, penitentiaries, jails and reformatories; on and after January 1, 1897, no person in any state prison, penitentiary, jail or reformatory to be required or allowed to work at any trade, industry or occupation wherein or whereby his work or its product or profits shall be farmed out, contracted, given or sold, to any person, firm, association or corporation. This not to prevent legislature from providing that convicts may work for and their products be disposed of to state or political division thereof, or for or to any public institution owned or controlled by state or political division. (N.Y. III 29.)

May be used on public works or highways or other labor for public benefit, and may be farmed out as prescribed by law (except in case of murder, manslaughter, rape, attempt to commit rape or arson); but convict farmed out punishable only by state officer and under

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CONVICT LABOR (*Cont'd*)

disciplinary control of penitentiary board or state officers. (N.C. XI 1.)

Legislature to provide for occupation and employment of prisoners. No person under sentence in penal institution or reformatory to be required or allowed to work at trade if his work or product or profit thereof is to be sold, farmed out, contracted or given away; goods made by persons under sentence to penal institutions or reformatory outside of state and such goods made within the state (excepting those disposed of to state or political subdivision or public institution owned or under control of state or political subdivision) not to be sold to state, unless conspicuously marked "Prison Made". This provision not to prevent passage of laws providing that convicts may work for and products of labor be disposed of to state or political subdivision or to public institution owned or under control of state or political subdivision. (Ohio II 41.)

Legislature may provide for use of convict and punitive labor for building and maintaining public roads. Contracting of convict labor prohibited. (Okla. XVI 1, XXIII 2.)

General trial court and all courts inferior thereto and municipal courts may impose sentence of labor upon highways, streets and other public work, upon person by them sentenced to imprisonment. (S.C. V 33.)

Convict sentenced to hard labor by any court may be employed on public works of state or of counties and on public highways. If convicts hired or farmed out as may be provided by law, maintenance, support, medical attendance and discipline to be under direction of officers detailed by authorities of penitentiary. (S.C. XII 6, 9.)

Legislature to make provision by which persons convicted of misdemeanors and convicted to county jails in default of payment of fines and costs shall be required to discharge such fines and cost by manual labor under regulations to be prescribed by law. Legislature to provide for laying out and working public roads and building bridges, and for utilizing fines, forfeitures and convict labor to all these purposes. (Tex. XVI 3, 24.)

Legislature to prohibit the contracting of convict labor and the labor of convicts outside prison grounds except on public works under direct control of state. (Utah XVI 3.)

Means ought to be provided for punishment of convicts by hard labor whereby they shall be employed for benefit of public or for reparation of injuries done to private persons and all persons at proper times ought to be permitted to see them at their labor. (Vt. II 60.)

After January 1, 1890, labor of convicts of state not to be let out by contract, and legislature to provide for working of convicts for benefit of state. (Wash. II 29.)

COOLIE LABOR, *See* LABOR.

CO-OPERATIVE ASSOCIATIONS

Legislature to provide for organization of mutual co-operative associations or corporations. (Wyo. X Corporations 10.)

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CORONERS

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See title PUBLIC OFFICERS, *and title* COUNTIES — OFFICERS.

APPOINTMENT

Governor to appoint with consent of council. (Me. V Pt. 1, 8.)

May be appointed in each county and in Baltimore in the manner and for the purpose prescribed by law. (Md. IV Pt. VII 45.)

To be nominated and appointed by governor with consent of council. Nomination to be made by governor at least seven days prior to appointment. (Mass. Pt. II Ch. II Sec. I 9.)

Governor to appoint in new county to hold until next succeeding general election and until successor qualifies. (Mo. IX 10.)

To be nominated and appointed by governor and council; nomination to be made at least three days before appointment; no appointment to be made unless majority of council agree; governor and council to have negative on each other both in nominations and appointments. Nominations and appointments to be signed by governor and council, and negative to be signed by governor or council. (N.H. II 45, 46.)

By clerk of superior court "when there is no coroner in a county". (Special cases.) (N.C. IV 24.)

To be appointed by county court. (W.Va. IX 2.)

BOND

Before entering on duties and as often as may be deemed proper to give bond and security prescribed by law. (Ky. 103.)

To give security before entering upon office in amount and manner prescribed by law. (Mo. IX 10.)

COMMISSION

To be commissioned by governor. (Ark. VII 46, 48; Del. III 22.)

COMPENSATION

To be paid such salary or compensation either from fees, perquisites and emoluments of his office or from general county fund, as provided by law. This section to govern, unless otherwise expressly provided by constitution. (Colo. XIV 8.)

To receive only salary fixed by law, in no case to exceed "lawful compensation" of circuit court judges of county and payable out of fees of his office actually collected. (Cook county.) (Ill. X 9.)

Four thousand eight hundred dollars per year, to be paid by the city of New Orleans. (Parish of Orleans.) (La. 310.)

Fees, salaries and emoluments to be provided for by law. (N.C. IV 18.)

CREATION OF OFFICE

To be one of county officers. (Pa. XIV 1.)

DEPUTIES AND ASSISTANTS

In Cook county number of deputies and assistants to be determined by rule of circuit court and entered of record and compensation to be fixed by county board. (Ill. X 9.)

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CORONERS (*Cont'd*)

DEPUTIES AND ASSISTANTS (*Cont'd*)

Coroner shall appoint two assistants having the same qualifications as himself. One shall receive salary of $2,600 and shall be a resident of that portion of the city of New Orleans lying on the left bank of the Mississippi river; the other shall receive annual salary of $600, shall be a resident of the fifth district of the city of New Orleans and shall have his office in that district. The salaries shall be paid by the city of New Orleans. (Parish of Orleans.) (La. 310, 311.)

ELECTION

To be elected by qualified electors of each county. (Ark. VII 46.)

To be elected by qualified electors of each county at general election. (Del. III 22.)

Legislature to provide by general and uniform laws for election in each county. (Ida. XVIII 6.)

To be elected in each county at general election Tuesday after first Monday in November (1884). (Ill. X 8.)

Voters of each county to elect at time of holding general election. (Ind. VI 2; Ore. VI 6.)

To be elected in each county. (Ky. 99.)

Qualified voters of each parish, except Orleans, to elect at general election. (La. 119.)

One coroner for the parish of Orleans to be elected by the qualified electors. (La. 310.)

To be elected in each county in manner provided by law for each county. (Miss. V 135, 138.)

To be elected by qualified voters of each county first Tuesday following first Monday, November (1908) and every four years thereafter. (Mo. IX 10.)

Elected by "people" of county at election for legislature. (N.J. VII 2-7.)

Qualified voters of each county to elect "as prescribed for members of legislature". (N.C. IV 24.)

To be elected by the qualified voters of each county. (S.C. V 30.)

To be elected in each organized county. (S.D. IX 5.)

To be elected in each county by the justices of the peace. (Tenn. VII 1.)

To be elected by county electors. (Wis. VI 4.)

FEES

Fees, perquisites and emoluments in excess of salary authorized to be paid therefrom, to be paid into the county treasury. (Cook county.) (Ill. X 9.)

Legislature to provide general fee bill or bill of costs regulating fees and compensation in civil matters. (La. 129.)

INDICTMENT

Subject to indictment for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law; but officer to have right to appeal to court of appeals. Conviction renders office vacant. (Ky. 227.)

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CORONERS (*Cont'd*)

POWERS AND DUTIES

Prescribed by law. (Ark. VII 46; Md. IV Pt. VII 45.)

To be conservator of peace in county in which resident. (Del. XV 1.)

Coroner to act as sheriff when sheriff is party interested or during vacancy in that office (except in specified parish) but not to serve as tax collector while so acting; to be *ex-officio* "parish physician". (La. 119, 121.)

To be fixed by law; coroner to be *ex-officio* city physician of the city of New Orleans. (Parish of Orleans.) (La. 310.)

QUALIFICATIONS AND DISQUALIFICATIONS

Coroner ineligible to seat in legislature. (Ark. V 7.)

Ineligible to office of secretary of state, attorney-general, insurance commissioner, treasurer, auditor, prothonotary, clerk of the peace, register of wills, sheriff, recorder. (Del. III 11.)

Twenty-four years of age at time of election; citizen of Kentucky; resident of state two years and in county or district in which he is candidate one year next preceding the election. (Ky. 100.)

To be doctor of medicine but this not to apply to parishes in which there is no such person who will accept the office. (La. 121.)

Shall be practicing physician of the city of New Orleans and a graduate of the medical department of some university of recognized standard. (Parish of Orleans.) (La. 310.)

If in default for moneys collected by virtue of his office to be "disqualified for the office a second time". (S.C. V 30.)

REMOVAL

May be removed by circuit or other court of like jurisdiction or criminal court of county in which such officer holds office as prescribed by law, provided that right to jury trial and appeal be secured. Grounds for removal: "wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office or committed under color thereof or connected therewith". Penalty not to extend beyond removal and disqualification from holding office under authority of state for the term for which such officer was elected or appointed, but accused to be liable to indictment or punishment as prescribed by law. (Ala. VII 173, 175, 176.)

By indictment and prosecution for misdemeanor or malfeasance in office or wilful neglect in discharge of official duties, as prescribed by law; conviction works forfeiture; right of appeal to highest court. (Ky. 227.)

District court of domicile of officer (in parish of Orleans, civil district court) may remove for following causes: high crimes and misdemeanors, non-feasance or malfeasance in office, incompetency, corruption, favoritism, extortion or oppression in office, or gross misconduct or habitual drunkenness. District attorney may in-

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CORONERS (*Cont'd*)

REMOVAL (*Cont'd*)

stitute suit and shall institute such suit on written request 25 resident citizens and taxpayers who may enforce request by mandamus; all parties, including petitioning taxpayers, authorized to appeal; if officer acquitted petitioning citizens liable to cost; detailed provisions for preference on appeal; pending suit not to operate as suspension of accused officer. (La. 217, 222.)

May be removed for malfeasance in office. (Mo. IX 10.)

For malfeasance or neglect of duty in manner prescribed by law. (Tenn. VII 1.)

Governor may remove on giving copy of charges and opportunity to be heard. (Wis. VI 4.)

RESIDENCE

Residence to be in county. (S.C. V 30.)

ROTATION IN OFFICE

"Eligible only four years in any one period". A person elected or appointed to fill vacancy not eligible for succeeding term. (Mo. IX 10, 11.)

Three years to elapse between terms. (N.J. VII Sec. II 7.)

Not to be eligible for more than four years in succession. (S.D. IX 5.)

TERM

Two years. (Ark. VII 46; Del. III 22; Ida. XVIII 6; Ind. VI 2; Ore. VI 6; S.D. IX 5; Tenn. VII 1; Wis. VI 4.)

To commence on first Monday of December after election, and to continue for four years and until successor qualifies. (Ill. X 8.)

To commence January 1st next after election and to continue for four years, and until successor qualifies. (Ky. 99.)

Four years. (Parish of Orleans.) (La. 119, 310.)

Term four years and unless removed until successors duly qualified to enter on discharge of their duties. (Miss. V 135, 136.)

Four years and until successor qualifies. (Mo. IX 10; S.C. V 30.)

Two years and until successor qualifies. (Mont. XVI 5; N.C. IV 24, 25.)

Three years. (N.J. VII Sec. II 7.)

VACANCIES

To be filled by special election but in case of vacancy occurring six months before next general election governor to fill by appointment. (Ark. VII 50.)

Conviction for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law renders office vacant. (Ky. 227.)

Vacancy to be filled for balance of term by county court. (Mo. IX 11.)

Failure to qualify renders office vacant. (N.C. IV 25.)

County commissioners to fill for unexpired term. (N.C. IV 24.)

Filled by appointment and appointee to hold for unexpired portion of term and until successor qualifies. (Wis. VI 4.)

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CORPORAL PUNISHMENT, *See* CRIMES — PUNISHMENT.

CORPORATION COURTS, *See* COURTS — MUNICIPAL COURTS.

CORPORATIONS

For a particular class of corporations, See the specific title.

ACCEPTANCE OF STATE CONSTITUTION

See also below, this title, REGULATION.

Acting under a general or special law for its benefit a conclusive presumption of accepting provisions of constitution and of holding thereafter thereunder. (Miss. VII 179; S.C. IX 17.)

Acceptance of amendment to charter or of special law operates as a novation and brings corporation under constitution. (Ga. IV Sec. II 3.)

Amendment of its charter by existing corporation *ipso facto* makes it subject to constitution. (La. 262.)

Conclusively presumed from accepting or effecting amendment or extension of charter. (Va. XII 158.)

Existing charters under which *bona fide* organization has not taken place at time of adoption of constitution shall be subject to corporation article of constitution. (Miss. VII 180.)

Filing of acceptance in accordance with state laws a condition precedent to doing business in state for corporations organized under the territory or for foreign corporations. (Wyo. X Corporations 5.)

Filing of acceptance, under corporate seal and attested, a condition precedent to amendment or renewal of charter of existing corporations. (Del. IX 2.)

Filing of acceptance with corporation commission prerequisite to benefit of existing corporation by any future legislation or to the amendment or extension of its charter. (N.M. XI 12.)

Filing of acceptance with secretary of state prerequisite to benefit of existing corporation by any future legislation. (Ky. 190; Utah XII 2.)

Legislature not to alter or amend charter or pass general or special law for benefit of existing corporation, except upon condition that it hold charter thereafter subject to constitution. (Md. III 48.)

Legislature not to remit forfeiture by special law unless corporation agrees to hold subject to constitution and laws passed thereunder. (Va. IV 63.)

Legislature not to remit forfeiture of charter, or alter, or amend same, or pass general or special law for benefit of corporation, other than in execution of trust created by law or by contract, except upon condition that it thereafter hold charter subject to constitution. (Ala. XII 231.)

Legislature not to remit forfeiture of charter, or alter or amend same, or pass general or special law for benefit of existing corporation, except under condition that it thereafter hold charter subject to constitution. (Ark. XVII 8; Ga. IV Sec. II 3; Miss. VII 179; N.D. VII 133; Pa. XVI 2; S.C. IX 17; S.D. XVII 3.)

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CORPORATIONS (*Cont'd*)

ACCEPTANCE OF STATE CONSTITUTION (*Cont'd*)

Legislature not to remit forfeiture of charter, or renew, alter or amend same, or pass general or special law for benefit of existing corporation except upon condition that it thereafter hold charter subject to constitution. (La. 262.)

AGENTS TO ACCEPT PROCESS, *See below, this title,* SERVICE OF PROCESS ON.

ALIEN CORPORATIONS

See also below, this title, FOREIGN CORPORATIONS.

See also ALIENS.

If majority of stock owned by aliens, corporation deemed alien and may not own lands except under mortgage, where acquired in good faith for debts, certain mining lands and lands to develop certain mining products. (Wash. II 33.)

Legislature shall enact laws limiting number of acres of land which corporation controlled by aliens may own in the state. (S.C. III 35.)

ARMED MEN, *See* POLICE.

ARTICLES OF INCORPORATION, *See below, this title,* CHARTERS.

BANKS, *See* BANKS.

BLACK LISTS, *See* LABOR.

BONDING COMPANIES, *See* SURETY COMPANIES.

BONDS

See also below, this title, INDEBTEDNESS.

Definition

Term "bond", shall mean all certificates or written evidences of indebtedness issued by a corporation and secured by mortgage or trust deed. (Okla. IX 34; Va. XII 153.)

Increase of Bonded Indebtedness

Required to be under general law, with consent of majority of stock, first obtained at meeting held after 60 days' notice, as provided by law. (Ark. XII 8; Cal. XII 11; Mo. XII 8.)

Required to be under general law, with consent of majority of stock, first obtained at meeting held after 30 days' notice, as provided by law. (Ala. XII 234; Okla. IX 39.)

Investment of Trust Funds

Legislature not to authorize investment of trust funds by executors, administrators, guardians or trustees, in private bonds; (Colo. V 36; Mont. V 37; Wyo. III 38.)

Legislature not to authorize investment of trust funds by executors, administrators, guardians or trustees, in private bonds; any such act avoided, saving previous investments. (Ala. IV 74; Pa. III 22.)

Issue

Legislature to control all issues of bonds by general laws. (Va. XII 167.)

Only for labor done, or money or property actually received. (Ark. XII 8; La. 266.)

Only for labor done, or money or property actually received or subscribed. (S.C. IX 10.)

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CORPORATIONS (*Cont'd*)

BONDS (*Cont'd*)

Issue (*Cont'd*)

Only for labor done, services performed, or money or property actually received. (Colo. XV 9; Ida. XI 9; Mont. XV 10.)

Only for money, labor done or property actually received. (Ala. XII 234.)

Only for money, labor done, or money or property actually received. (N.D. VII 138; Pa. XVI 7; S.D. XVII 8.)

Only for money paid, labor done or property actually received and applied to corporate purposes and not valued more highly than real market price. (Ky. 193.)

Only for money paid, labor done or property actually received. (Cal. XII 11; Mo. XII 8; Tex. XII 6.)

Only for money or property received or labor done. (Ariz. XIV 6; Utah XII 5; Wash. XII 6.)

Plan of issue, under oath, must first be filed with corporation commission; if issue for services or property, nature and valuation of same to be stated; other requirements may be made by law; penalties to be provided. (Va. XII 167.)

Subject at all times to "full visitorial and inquisitorial powers" of state. (Okla. II 28.)

BOOKS

To be kept at office in state for "public inspection", containing amount subscribed, names and amounts of owners, transfers, with dates, amount of assets and liabilities, and names and residences of officers. (Mo. XII 15.)

To be kept at office in state for inspection "by every person having an interest therein" and by legislative committees, containing names and amounts of subscribers and stockholders, amount of stock paid in and by whom, transfers, amount of assets and liabilities and names and residences of officers; religious, educational and benevolent corporations excepted. (Cal. XII 14.)

BRIDGE COMPANIES, *See* BRIDGES.

BUILDING AND LOAN ASSOCIATIONS, *See* BUILDING AND LOAN ASSOCIATIONS.

CANAL COMPANIES, *See* CANALS.

CAPITALIZATION, *See below, this title*, STOCK.

CAR COMPANIES, *See* CAR COMPANIES.

CHARITABLE, *See* CHARITIES.

CHARTERS

Definition

Means charter of incorporation by or under which any corporation is formed. (Okla. IX 1; Va. XII 153.)

Issue

Authority to create corporations or amend or extend charters not to be vested in tribunal or officer except to ascertain whether requirements have been met. (Va. XIII 154.)

Grant of franchise or license to a corporation to last longer than one year not permitted as an "emergency" measure. (Okla. V 58.)

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CORPORATIONS (*Cont'd*)

CHARTERS (*Cont'd*)

Issue (*Cont'd*)

Legislature has no power to grant corporate powers and privileges to private companies but shall prescribe manner in which such powers shall be exercised by courts; judges of superior courts may be given this authority in vacation; but corporate powers and privileges to banking, insurance, railroad, canal, navigation, express and telegraph companies issued and granted by secretary of state or, where he is disqualified, by other person named by general law. (Ga. III Sec. VII 18.)

Permitted to be issued by courts until April 1, 1903, as provided by existing laws, unless creation of corporations sooner provided for by law. (Va. Sched. 13.)

Solely by corporation commission. (Ariz. XV 5.)

Through corporation commission. (N.M. XI 6; Va. XII 156 a.)

Filing of Articles of Incorporation

Charters to be filed in chancery clerk's office of county where principal office or place of business is located. (Miss. VII 189.)

Certificates of extension to be filed in same manner as original articles. (Cal. XII 7.)

With corporation commission one prerequisite to doing business. (Ariz. XIV 8.)

With secretary of state one prerequisite to doing business. (Utah XII 9.)

Of foreign corporations, *See below, this title*, FOREIGN CORPORATIONS.

Conditions

Acting under a general or special law a conclusive presumption of surrender of exemption from taxation. (Md. III 48.)

Surrender of any exemption from taxation or from repeal or modification of charter made conditions of any law for benefit or relief. (Md. III 48.)

Surrender of any tax exemption or non-repealable feature of charter and of rights and privileges not conferred on similar corporations conclusively presumed from accepting or effecting amendment or extension of charter. (Va. XII 158.)

Acceptance of state constitution, *See above, this title*, ACCEPTANCE OF STATE CONSTITUTION.

Amendment, *See below, this subdivision*, FORFEITURE, REVOCATION OR AMENDMENT.

Scope of Laws

No law hereafter enacted to create, renew or extend charter of more than one corporation. (Pa. XVI 10; S.D. XVII 9.)

Objects

Only one general line of business permitted, which is to be stated in charter. (Wyo. X Corporations 6.)

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CORPORATIONS (*Cont'd*)

CHARTERS (*Cont'd*)

Fees

See also below, this title, FEES.

Corporations at or before filing articles of incorporation must pay $50 for first $50,000 or less of capital stock and $5 for every additional $10,000; increase, $5 for every $10,000; further taxes not forbidden; benevolent, religious, educational and scientific corporations excepted. (Mo. X 21.)

Extended corporations to pay fees for extension as on incorporation and all annual and other fees. (Cal. XII 7.)

Legislature to provide for fee on grant, amendment or extension of charter. (Ariz. XIV 17.)

Provision to be made by general law for fee on grant, amendment or extension of charter. (Va. XII 157.)

Prohibition of Special Laws

Charters not to be amended, renewed, extended or explained by special or local laws. (La. 48; Minn. IV 33; Mo. IV 53.)

Charters not to be amended, renewed or extended by special acts. (Pa. III 7; Va. IV 63.)

Charters not to be amended, renewed or revived by special acts. (Del. IX 1.)

Charters not to be granted, amended or extended by special acts. (Va. XII 154.)

Charter not to be granted by special act. (Ala. IV 103.)

Charters not to be granted, changed or amended by special acts. (N.D. VII 131.)

Charters not to be granted, extended, changed or amended by special acts. (Ida. III 19, XI 2; Mont. XV 2; S.C. IX 2; S.D. XVII 1.)

Charters not to be granted or amended by special acts. (Ky. 59.)

Charter not to be extended, changed or amended by special acts. (Mo. XII 2.)

Constitutional provision against local or special acts not to be construed as forbidding general laws. (Minn. IV 33.)

Duration, *See below, this title,* DURATION.

Surrender

Provision to be made by general laws for voluntary surrender of charters. (Va. XII 154.)

Unused Charters

Charters granted after this constitution, under which no organization has taken place and business commenced within two years of grant, have no validity. (Miss. VII 180.)

Existing charters or grants of special or exclusive privileges under which no *bona fide* organization and commencement of business at time of adoption of constitution have no validity. (Ark. XII 1; Cal. XII 6; Colo. XV 1; Ida. XI 1; Ky. 191; Mo. XII 1; Mont. XV 1; N.D. VII 132; Pa. XVI 1; S.D. XVII 2; Utah XII 2; Wash. XII 2.)

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CORPORATIONS (*Cont'd*)

CHARTERS (*Cont'd*)

Unused Charters (*Cont'd*)

Existing charters under which *bona fide* organization has not taken place and business commenced in good faith one year after this constitution have no validity. (Miss. VII 180.)

Existing charters under which *bona fide* organization has not taken place and business commenced in good faith within six months after this constitution have no validity. (Ariz. XIV 3.)

Existing charters under which *bona fide* organization has not taken place and business commenced in good faith within 12 months after this constitution have no validity. (Ala. XII 230.)

Existing charters, franchises, special or unusual privileges under which *bona fide* organization has not taken place and same been *bona fide* maintained until this constitution have no validity. (Wyo. X Corporations 3.)

Existing charters under which *bona fide* organization has not taken place at time of adoption of constitution shall be subject to corporation article of constitution. (Miss. VII 180.)

Same; adds "or grants of corporate franchise" after "charters". (S.C. IX 16.)

Existing charters under which organization has not taken place or which shall not have been in operation within two years after this constitution have no validity or effect; proviso. (W.Va. XI 3.)

Existing charters under which organization has not taken place or which were not in operation within 60 days after this constitution have no validity or effect. (Nebr. XIb 6.)

Existing charters under which organization has not taken place or which were not in operation within 10 days after this constitution have no validity or effect. (Ill. XI 2.)

Legislature by general law to provide for forfeiture of charters for non-user. (Va. XII 154.)

Forfeiture, Revocation or Amendment

Right of State

See also below, this title, REGULATION — REPEAL OR AMENDMENT OF LAWS.

All charters and amendments of charters, existing and revocable or hereafter granted, may be repealed by special act. (Va. XII 154.)

All charters, including charters prior to constitution, granted subject to repeal or modification, may be altered or repealed; banks excepted. (Md. III 48.)

All rights, privileges or franchises conferred under laws for formation of, or conferring rights, privileges and franchises upon, corporations, may be repealed. (Mich. XII 1.)

All charters subject to amendment, alteration or repeal under general laws. (Ala. XII 229.)

All charters subject to right of state to alter, amend or repeal. (La. 262; S.C. IX 2.)

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CORPORATIONS (*Cont'd*)

CHARTERS (*Cont'd*)

Forfeiture, Revocation or Amendment (*Cont'd*)

Right of State (*Cont'd*)

Legislature has power to alter, amend or revoke charters now revocable or hereafter created, if injurious to citizens. provided no injustice done stockholders. (Ala. XII 238.)

Legislature has power to alter, amend or repeal charters, provided no injustice done stockholders. (Miss. VII 178.)

Legislature has power to alter, revoke or annul existing revocable charters, provided no injustice done corporators. (Ida. XI 3.)

Legislature may alter, revoke or annul charters injurious to citizens of state. (Mont. XV 3.)

Legislature may amend, renew or revive charters only under general laws passed by a vote of two-thirds of each house. (Del. IX 1.)

Legislature to provide by general laws for changing or amending charters, which laws are subject to repeal or alteration. (S.C. IX 2.)

No grant of special privilege or immunities to be revoked except as not to work injustice to corporators or creditors. (Ga. I Sec. III 3.)

Amending existing charter to give special or exclusive privilege by local or special law, forbidden. (Wyo. III 27.)

Extension and amendment of charters to be provided for by general laws. (Va. XII 154.)

Legislature by general law to provide for forfeiture for non-user or misuser of charter. (Va. XII 154.)

Legislature has power to alter, revoke or annul charter now revocable or hereafter created, if injurious to citizens, in such manner "that no injustice be done to corporators". (Ark. XII 6; Colo. XV 3; Okla. IX 47; Pa. XVI 10; S.D. XVII 9.)

Legislature to provide by general law for revocation or forfeiture for abuse, misuse or non-use of corporate powers, privileges or franchises. (Del. IX 1.)

Legislature to provide by general laws for revocation or forfeiture of charters for abuse or misuse or when corporation detrimental to state or its citizens. (Ky. 205.)

Causes for Forfeiture

Attorney-general, for sufficient cause, to seek judicial forfeiture of charters. (Tex. IV 22.)

Failure to pay registration fee for two successive years or to make annual report within 90 days after such two years works revocation of charter. (Va. XII 157.)

Formation of monopoly or trust makes corporation liable to forfeiture of charter. (La. 190.)

Formation of monopoly or trust to be prevented by legislative enactment to the extent of forfeiture of property and franchise. (Ida. XI 18; Mont. XV 20.)

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CORPORATIONS (*Cont'd*)
CHARTERS (*Cont'd*)
Forfeiture, Revocation or Amendment (*Cont'd*)
Causes for Forfeiture (*Cont'd*)
Issue of fictitious stock forfeits charter. (La. 266.)
Legislature may declare forfeiture of franchise for formation of monopoly or trust. (Ariz. XIV 15.)
Legislature to provide by general law for forfeiture for nonuser or misuser of charter. (Va. XII 154.)
Remission of Forfeiture
Legislature not to remit forfeiture of franchise or charter. (Utah XII 3; Wash. XII 3.)
Legislature not to remit forfeiture of franchise or charter of "quasi-public corporation". (Cal. XII 7.)
Legislature not to remit forfeiture or alter or amend forfeited charter or pass any law for benefit of corporation concerned. (Mo. XII 3.)
Acceptance of state constitution as a condition, *See above, this title,* ACCEPTANCE OF STATE CONSTITUTION.
Effect of New Constitution
Constitution does not affect royal charters granted before October 14, 1775, or charters granted by state since that date. (N.Y. I 17.)
Rights, privileges, immunities and estates, except as provided in constitution, not altered by same. (Del. IX 4.)
CLASSIFICATION
Corporations may be classified. (Ohio XIII 2.)
COMBINATIONS OR POOLS, *See* MONOPOLIES AND TRUSTS.
COMMON CARRIERS, *See* COMMON CARRIERS.
CONSOLIDATION
Domestic corporation not to become foreign corporation by consolidation with foreign corporation but courts to retain jurisdiction over corporate property within state limits as if no consolidation had taken place. (Colo. XV 14; Ida. XI 14; Ky. 200; Mont. XV 15.)
Holding companies, control of stock, etc., to accomplish things forbidden by constitution, forbidden. (S.C. IX 19.)
CONTROL, *See below, this title,* REGULATION.
COOLIE LABOR, *See* LABOR.
CO-OPERATIVE, *See below, this title,* MUTUAL AND CO-OPERATIVE CORPORATIONS.
CORPORATION COMMISSIONS, *See* PUBLIC SERVICE COMMISSIONS.
CORPORATORS, *See below, this title,* STOCKHOLDERS.
CREATION
See also above, this title, CHARTERS.
Acceptance of State Constitution, *See above, this title,* ACCEPTANCE OF STATE CONSTITUTION.
Extension or Renewal, *See below, this title,* DURATION.

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CORPORATIONS (*Cont'd*)

CREATION (*Cont'd*)

General Laws, Requirement of

For exceptions, See below, this subdivision, SPECIAL LAWS PROHIBITED.

Corporations shall be formed under general laws. (Ariz. XIV 2; Ark. XII 6; Cal. XII 1; Del. IX 1; Ind. XI 13; Kan. XII 1; Me. IV Pt. III 14; Md. III 48; Mich. XII 1; Miss. VII 178; Nev. VIII 1; N.Y. VIII 1; N.C. VIII 1; Ohio XIII 2; Ore. XI 2; Tex. XII 1; Utah XII 1; Wash. XII 1.)

Corporations without banking powers or privileges may be formed under general laws. (Wis. XI 1.)

Legislature may provide for creation and control of corporations by general laws. (R.I. Amend. IX.)

Legislature shall pass general laws for incorporating "useful companies or associations". (Fla. III 35.)

Legislature to pass general laws for organization of corporations and attainment of corporate powers. (Ala. XII 229; N.J. IV Sec. VII 11; N.D. VII 131.)

Legislature to provide for organization of all corporations by general laws, "except as hereinafter provided". (Iowa VIII 1.)

Legislature to provide for organization of corporations by general laws "uniform as to the class to which they relate". (W.Va. XI 1.)

Legislature to provide general laws for organization of corporations. (Colo. XV 2; Ida. XI 2; Ill. XI 1; Miss. IV 87; Nebr. XIb 1; N.M. XI 13; S.C. IX 2; S.D. XVII 1; Tenn. XI 8; Vt. II 65; Va. XII 154; Wyo. X Corporations 1.)

Passage of general incorporation law requires two-thirds vote of each house. (Del. IX 1.)

Private corporation not to be created and foreign corporation not to be licensed except by general law. (Okla. IX 38.)

Prohibition of special acts not to be considered as forbidding general laws. (Minn. IV 33.)

Provision for creating private corporations to be made under general laws providing for adequate protection of public and individual stockholders. (La. 275; Tex. XII 2.)

Lack of Legal Organization

No persons acting as corporation under laws of state permitted to set up or rely upon want of legal organization as defense to action brought against them as corporation, and no person sued on contract made with such corporation or sued for injury done to its property or wrong done to its interests permitted to rely upon such want of legal organization in his defense. (Ariz. XIV 13.)

Legislature, Prohibition on

Legislature has no power to grant corporate powers and privileges to private companies but shall prescribe manner in which such powers shall be exercised by the courts; judges of superior courts may be given this authority in vacation; but

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CORPORATIONS (*Cont'd*)

CREATION (*Cont'd*)

Legislature, Prohibition on (*Cont'd*)

corporate powers and privileges to banking, insurance, railroad, canal, navigation, express and telegraph companies issued and granted by secretary of state or, where he is disqualified, by person named by general law. (Ga. III Sec. VII 18.)

Repeal or Amendment of Laws, *See below, this title,* REGULATION.

Special Laws, Manner of Enactment

After a bill is introduced, it must be continued until after next election of members of legislature and public notice of pendency, as prescribed by law, given; corporations for religious, literary or charitable purposes or military or fire companies excepted. (R.I. IV 17.)

Special Laws, Requirement

Corporation to exercise eminent domain or to acquire franchises in streets and highways of towns and cities must be created by special act upon petition for same and after prescribed notice of pendency. (R.I. Amend. IX.)

Special Laws Prohibited

In General

Corporate powers not to be conferred by special acts. (Ala. XII 229; Ark. XII 2; Kan. XII 1; N.J. IV Sec. VII 11; Ohio XIII 1.)

Corporate powers or privileges not to be granted by special acts. (Wash. II 28; Wis. IV 31.)

Corporate rights, powers and privileges not to be given by special act. (Va. XII 154.)

Corporations not to be created by or have rights, privileges or franchises conferred by special act. (Mich. XII 1.)

Corporations not to be created by special laws "except as hereinafter provided". (Iowa VIII 1.)

Corporations not to be created by special acts. (Ariz. XIV 2; Cal. XII 1; Colo. XV 2; Del. IX 1; Fla. III 25; Ida. III 19; Ill. XI 1; Ind. XI 13; La. 48; Md. III 48; Minn. IV 33, X 2; Mo. IV 53, XII 2; Nebr. XIb 1; N.Y. VIII 1; N.C. VIII 1; Ore. XI 2; Pa. III 7; Tenn. XI 8; Utah XII 1; Va. IV 63; Vt. II 65; Wash. XII 1; W.Va. XI 1; Wis. XI 1.)

Corporations shall be formed under general laws only. (Miss. VII 178.)

Educational, religious, charitable, social, manufacturing and banking corporations not under state control not to be created by special laws. (S.C. III 34.)

If unauthorized by constitution, special act void. (Md. III 48.)

Legislature not to renew or extend any special act of incorporation previously granted. (Mich. XII 6.)

Private corporation not to be created and foreign corporation not to be licensed except by general law. (Okla. IX 38.)

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CORPORATIONS (*Cont'd*)
CREATION (*Cont'd*)
Special Laws Prohibited (*Cont'd*)
In General (*Cont'd*)
Private corporations not to be created except by general laws. (Tex. XII 1.)
Special act "relating to corporate powers" forbidden. (Nev. VIII 1.)

Exceptions
Corporations, "other than banking" not to be created by special act. (Ind. XI 13.)
Cities may be granted corporate powers or privileges by special acts. (Wis. IV 31.)
Educational and charitable corporations where gift, devise or will requires special incorporation. (S.C. III 34.)
Certain named canal corporations. (W.Va. XI 1.)
Charitable, educational, penal or reformatory corporations under state control. (Ark. XII 2; Ill. XI 1; Nebr. XIb 1; S.D. XVII 1.)
Charitable, educational, penal or reformatory corporations under state control or otherwise provided for in constitution but special law may be introduced by two-thirds vote of each house and then passed like other bill. (S.C. IX 2.)
No corporation to be created by, but charitable, penal or reformatory corporations under patronage and control of state may have their charters extended, changed or amended by special laws. (Mo. XII 2.)
Municipal, charitable, educational, penal or reformatory corporations under control of state. (Colo. XV 2; Ida. XI 2; Mont. XV 2; N.D. VII 131.)
Municipal, charitable, educational, penal or reformatory corporations under patronage or control of state. (Vt. II 65.)
Municipal corporations, banks and charitable, penal, reformatory and educational corporations sustained in whole or in part by state. (Del. IX 1.)
Municipal corporations of not less than 2,500 inhabitants and levee and parish corporations. (La. 48.)
Municipal purposes. (Minn. X 2; Nev. VIII 1.)
Municipal purposes, "and in cases where the objects of the corporation cannot otherwise be obtained". (Me. IV Pt. III 14.)
Municipal purposes and where "in the judgment of the legislature, the object of the corporation cannot be obtained under general laws". (N.Y. VIII 1; N.C. VIII 1; Wis. XI 1.)
Municipal purposes and where no general laws exist providing for creation of corporations of general class in question; act in violation of section, void. (Md. III 48.)
University, public school or ship canal across state. (Fla. III 25.)

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CORPORATIONS (*Cont'd*)

CUMULATIVE VOTING, *See below, this title,* DIRECTORS.

DE FACTO CORPORATIONS, *See above, this title,* CREATION — LACK OF LEGAL ORGANIZATION.

DEBTS, *See below, this title,* INDEBTEDNESS.

DEFINITION

"Company" used to include associations and joint-stock companies having any powers or privileges not possessed by individuals and corporations, except municipal corporations and state-controlled public institutions. (Okla. IX 18.)

"Corporation" or "company" includes trust, associations and joint-stock companies having any powers or privileges not possessed by individuals or unlimited partnerships; excludes municipal corporations and state-owned or controlled public institutions. (Va. XII 153.)

Constitution does not apply to religious corporations whose rights remain unaltered except as otherwise provided. (Del. IX 4.)

Excludes all municipal corporations and state-owned or controlled public institutions. (Okla. IX 1.)

Excludes associations and joint-stock companies embracing banking privileges. (Minn. X 1.)

Excludes municipal corporations. (S.C. IX 1.)

Excludes municipalities or political subdivisions unless otherwise expressly stated. (N.D. VII 144.)

Includes all associations and all joint-stock companies having privileges not possessed by individuals or partnerships. (Miss. VII 199.)

Includes all associations and joint-stock companies having any powers or privileges not possessed by individuals and excludes municipal corporations and state-owned or controlled public institutions. (Okla. IX 1.)

Includes all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. (Ala. XII 241; Ariz. XIV 1; Cal. XII 4; Ida. XI 16; Mich. XII 2; Mont. XV 18; N.Y. VIII 3; N.C. VIII 3; N.D. VII 144; Pa. XVI 13; S.D. XVII 19; Utah XII 4; Wash. XII 5.)

Includes all associations and joint-stock companies having any of the powers and privileges not possessed by individual or partnerships. (Kan. XII 6; La. 268; Mo. XII 11.)

Includes all associations and joint-stock companies having any of the powers and privileges not possessed by individuals or partnerships and excludes municipal corporations. (S.C. IX 1.)

Includes "all associations and joint-stock companies having any of the powers and privileges not possessed by individuals or partnerships except such as embrace banking privileges". (Minn. X 1.)

Includes joint-stock companies and associations. (Ky. 208.)

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CORPORATIONS (*Cont'd*)

DIRECTORS

See also below, this title, OFFICERS.

Cumulative voting for directors or managers in person or by proxy shall be permitted. (Ariz. XIV 10; Ida. XI 4; Ill. XI 3; Ky. 207; Miss. VII 194; Mo. XII 6; Mont. XV 4; Nebr. XIb 5; W.Va. XI 4.)

Cumulative voting for directors or managers shall be permitted. (N.D. VII 135; Pa. XVI 4; S.D. XVII 5.)

Cumulative voting for directors, trustees or managers in person or by proxy, shall be permitted. (S.C. IX 11.)

Cumulative voting shall be permitted; co-operative societies for agricultural, mercantile and manufacturing purposes may be excepted. (Cal. XII 12.)

Jointly and severally liable for moneys embezzled or misappropriated by officers during directors' term, except in an exposition company. (Cal. XII 3.)

List of directors, showing stock holdings, must be filed in corporation commission's office, before doing business. (Okla. IX 43.)

No person engaged or interested in or employee or stockholder of competing business may be a director without consent of majority stockholders. (Miss. VII 194.)

DISSOLUTION, *See above, this title,* CHARTERS.

DUES, *See below, this title,* INDEBTEDNESS.

DURATION

Certificate of extension, signed and sworn to by president and secretary, and by majority of directors, to be filed. (Cal. XII 7.)

Charters and rights continued by new constitution. (Miss. Sched. 279.)

Extension for term not exceeding 50 years, prior to expiration, by vote or written consent of two-thirds of stock or members, permitted. (Cal. XII 7.)

Legislature not to extend any franchise or charter. (Utah XII 3; Wash. XII 3.)

No charter of "private corporation for pecuniary gain" to be longer than 99 years; taxed for any excess but may surrender same. (Miss. VII 178.)

Until legislature enacts general incorporation law, existing corporations may be renewed for not more than four years, without change or enlargement of powers. (Del. Sched. 14.)

Thirty years, except municipal, railroad, insurance, canal or cemetery or non-stock religious, benevolent, social or fraternal corporations; renewal permitted; but general laws may provide for one or more renewals, while term is running, for term not exceeding 30 years, on consent of two-thirds of stock, and for reorganization, after term has expired, for term not exceeding 30 years, on consent of four-fifths of stock. (Mich. XII 3.)

Extension or renewal of charters, in general, *See above, this title,* CHARTERS — FORFEITURE, REVOCATION OR AMENDMENT.

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CORPORATIONS (*Cont'd*)
EDUCATIONAL, *See* EDUCATION.
ELECTRIC COMPANIES, *See* ELECTRIC COMPANIES.
EMINENT DOMAIN FOR, *See* EMINENT DOMAIN.
EMPLOYEES, *See* LABOR.
EXPOSITION COMPANIES, *See* EXPOSITION COMPANIES.
EXPRESS COMPANIES, *See* EXPRESS COMPANIES.
FEES
On charter of domestic corporation, *See above, this title,* CHARTERS.
Foreign corporations, *See below, this title,* FOREIGN CORPORATIONS.
As to taxation of corporations, *See* TAXATION.
Annual registration fee between $5 and $25 to be provided for by law on all corporations; charitable institutions may be excepted. (Va. XII 157.)
Collected by state corporation commission and paid into state treasury. (N.M. XI 6.)
Extended corporations to pay all annual and other fees. (Cal. XII 7.)
Failure to pay registration fees for two successive years works revocation of charter of domestic or forfeiture of license of foreign corporation and subjects to other penalties to be prescribed. (Va. XII 157.)
Legislature may relieve charitable, social, fraternal, benevolent or religious institutions from annual registration fee. (Ariz. XIV 17.)
Legislature to provide annual registration fee of not less than $10 irrespective of other license or tax. (Ariz. XIV 17.)
Provision to be made by general law for fees for granting, amending or extending charters or for license to do business in state. (Va. XII 157.)
FERRY COMPANIES, *See* FERRIES.
FILING OF ARTICLES OF INCORPORATION, *See above, this title,* CHARTERS.
FOREIGN CORPORATIONS
Acceptance of State Constitution
See also above, this title, ACCEPTANCE OF STATE CONSTITUTION.
Filing of acceptance, in accordance with state laws, a condition precedent to doing business in state for corporations organized under the territory or for foreign corporations. (Wyo. X Corporations 5.)
Agents to Accept Process, *See below, this subdivision,* SERVICE OF PROCESS ON.
Alien Corporations, *See above, this title,* ALIEN CORPORATIONS.
Attachment
Property subject to attachment as in case of non-residents. (Va. XII 163.)
Discriminations Against
Legislature may discriminate against foreign corporations. (Va. XII 163.)
Fees
See also above, this title, FEES.
Taxation, *See* TAXATION.

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CORPORATIONS (*Cont'd*)

FOREIGN CORPORATIONS (*Cont'd*)

Fees (*Cont'd*)

Foreign corporations may be licensed and taxed by mode different from that for domestic corporations. (La. 242.)

Legislature to provide annual registration fee of not less than $10 irrespective of other license or tax. (Ariz. XIV 17.)

Legislature to provide for fee on license to do business. (Ariz. XIV 17.)

Provision to be made by general law for fee on obtaining license. (Va. XII 157.)

Filing of Articles of Incorporation

Certified copy of articles to be filed with secretary of state as a prerequisite to doing business. (Ala. XII 232; Utah XII 9.)

License

Corporations, companies or associations organized or domiciled out of state, but doing business therein, may be licensed by mode different from that provided for home corporations or companies, provided said different mode of license shall be uniform, upon a graduated system and equal and uniform as to all such corporations, etc., doing same kind of business. (La. 242.)

Defined as authority under which foreign corporation does business in state. (Okla. IX 1.)

Foreign corporations may be licensed and taxed by mode different from that for domestic corporations. (La. 242.)

Legislature not limited by corporation article of constitution in imposing conditions on foreign corporations. (Okla. IX 44.)

Issued solely by corporation commission. (Ariz. XV 5.)

Issued through corporation commission. (N.M. XI 6; Va. XII 156 a.)

No foreign corporation to do business until it has obtained license from corporation commission. (Ariz. XIV 17; Va. XII 157.)

Ouster

Bribery at elections forfeits franchise in state. (Ky. 150.)

Failure to pay registration fee for two successive years or to make annual report within 90 days after two years revokes license. (Va. XII 157.)

Penalty of ouster for forming trust or monopoly to be secured by attorney-general or district attorneys. (La. 190.)

Right to do business may be revoked for formation of trust or monopoly. (Ida. XI 18; Mont. XV 20.)

Place of Business

Must have one or more known places of business in state. (Ala. XII 232; Colo. XV 10; Ida. XI 10; Mont. XV 11; Pa. XVI 5; S.D. XVII 6.)

Must have one or more places of business in state. (N.D. VII 136.)

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CORPORATIONS (*Cont'd*)

FOREIGN CORPORATIONS (*Cont'd*)

Powers and Limitations

See also below, this title, POWERS AND LIMITATIONS.

May be authorized under limitations and restrictions to do business in state. (Ark. XII 11.)

No foreign corporation to have power of eminent domain. (Ark. XII 11.)

Not to be permitted to carry on business forbidden to domestic corporations or be relieved of requirements made of similar domestic corporations. (Okla. IX 44.)

Not to be permitted to do anything forbidden to domestic corporations; interstate public service corporations and existing foreign corporations excepted. (Va. XII 163.)

Not to be relieved from compliance with any provision affecting domestic corporations which can be made applicable without discrimination against it. (Va. XII 163.)

Not to have greater rights or privileges than domestic corporations of same or similar character. (Ark. XII 11; Ida. XI 10; Mont. XV 11.)

Not to transact business on more favorable conditions than similar domestic corporations. (Ariz. XIV 5; Cal. XII 15; Ky. 202; Okla. IX 44; Utah XII 6; Wash. XII 7.)

Not to transact business which it is not allowed to transact in jurisdiction under which it is formed. (Ariz. XIV 5.)

"Proper boards, commissions or officers" may be given supervisory and regulatory powers over business and sale of stocks and securities, as prescribed by law. (Ohio XIII 2.)

Subject to same regulations and limitations as to contracts or business as domestic corporations. (Ark. XII 11.)

Service of Process on

Not to be licensed until an agent residing in state designated, on whom or on other agents, as provided by law, process may be served. (Okla. IX 43.)

Not to do business by branches, agents or representatives in state without authorized agent on whom process may be served. (Del. IX 5.)

Not to do business in state without authorized agent or agents in at least one known place of business; service may be made on an agent anywhere in state. (Ala. XII 232.)

Not to do business in state without authorized agent or agents in required known places of business on whom process may be served. (Ark. XII 11; Colo. XV 10; Ida. XI 10; Mont. XV 11; Pa. XVI 5; S.D. XVII 6.)

Not to do business in state without authorized agent or agents in required place of business. (N.D. VII 136.)

Suits Against

See also below, this title, SUITS.

May be brought in county where agent found, of plaintiff's residence or where cause of action arose. (Okla. IX 43.)

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CORPORATIONS (*Cont'd*)

FOREIGN CORPORATIONS (*Cont'd*)

Suits Against (*Cont'd*)

May be brought in county where agent found or in county where cause of action arose. (Ariz. XIV 8.)

May be brought in any county where it does business. (Ala. XII 232.)

Taxation, *See* TAXATION.

FOREST PRESERVES

Not to be taken "by any corporation, public or private". (N.Y. VII 7.)

FORFEITURE, REVOCATION OR AMENDMENT OF CHARTER, *See above, this title,* CHARTERS.

FORMATION

See above, this title, CHARTERS.

See above, this title, CREATION.

FRANCHISES

Charters, *See above, this title,* CHARTERS.

Of foreign corporations, *See above, this title,* FOREIGN CORPORATIONS.

No corporation to lease or alienate any franchise so as to relieve franchise or property held thereunder from liabilities of lessor or grantor, lessee or grantee, incurred in use of franchise, or its privileges. (Ky. 203.)

No law to permit lease or alienation of franchise so as to release or relieve franchise or property held thereunder from liabilities of lessor or grantor, or lessee or grantee, incurred in use of franchise or its privileges. (Ariz. XIV 7; Cal. XII 10; Ida. XI 15; Mont. XV 17; Utah XII 7; Wash. XII 8.)

GAS COMPANIES, *See* GAS COMPANIES.

GENERAL LAWS

For a general law relating to a particular subject, See throughout this title.

GRANTS OF PUBLIC LANDS TO, *See* PUBLIC LANDS — GRANTS.

GRANTS OF PUBLIC PROPERTY TO, *See* PUBLIC PROPERTY — GRANTS.

GUARANTY COMPANIES, *See* GUARANTY COMPANIES.

HOLDING COMPANIES

Corporation cannot do act prohibited through holding or controlling stock or bonds of other corporation organized or doing business in state. (S.C. IX 19.)

INCORPORATION

See above, this title, CHARTERS.

See above, this title, CREATION.

INCORPORATORS, *See below, this title,* STOCKHOLDERS.

INDEBTEDNESS

Bonded, *See above, this title,* BONDS.

Liability of stockholders, *See below, this title,* STOCKHOLDERS.

Dues from corporations to be secured by individual liability of stockholders to amount of their stock and such other means as provided by law; railroad, religious and charitable corporations excepted. (Kan. XII 2.)

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CORPORATIONS (*Cont'd*)

INDEBTEDNESS (*Cont'd*)

Dues from corporations to be secured by individual liabilities of corporations, or other means, as prescribed by law. (N.C. VIII 2.)

Dues from corporations to be secured by such means as may be prescribed by law. (Ala. XII 236; Ida. XI 17; Mo. XII 9; Mont. XV 19; Nev. VIII 3; Ohio XIII 3.)

Dues from corporations to be secured by such individual liability of corporators and other means as prescribed by law. (Cal. XII 2; N.Y. VIII 2.)

Dues from corporations, other than banking, to be secured by individual liability of corporators or other means, as prescribed by law. (Ind. XI 14.)

Exact amount of debts to be ascertained and after corporate property exhausted original subscribers individually liable for unpaid subscription, following the stock. (Nebr. XIb 4.)

"Fictitious increase" of indebtedness shall be void. (Ala. XII 234; Ariz. XIV 6; Ark. XII 8; Cal. XII 11; Colo. XV 9; Ida. XI 9; Ky. 193; Mo. XII 8; Mont. XV 10; N.D. VII 138; Okla. IX 39; Pa. XVI 7; S.C. IX 10; S.D. XVII 8; Tex. XII 6; Utah XII 5; Wash. XII 6.)

Increase of indebtedness to be under general law, with consent of majority of stock, first obtained at meeting held after 60 days' notice. (N.D. VII 138; Pa. XVI 7; S.D. XVII 8.)

Indebtedness of corporation to state can only be discharged by payment into public treasury. (Ark. XII 12.)

Legislature to prevent issue of fictitious indebtedness. (Okla. IX 39.)

Issue of any obligation for payment of money except for money or property received or labor done forbidden. (Ariz. XIV 6; Utah XII 5; Wash. XII 6.)

INSPECTION OF, *See below, this title,* REGULATION.

INSURANCE COMPANIES, *See* INSURANCE.

INTERNAL IMPROVEMENT COMPANIES, *See* INTERNAL IMPROVEMENTS.

JOINT-STOCK ASSOCIATIONS, *See* JOINT-STOCK ASSOCIATIONS.

LANDS, *See below, this title,* REAL ESTATE.

LAWS

For general or special laws relating to a particular subject, See throughout this title.

LICENSE

See above, this title, CHARTERS.

See above, this title, FOREIGN CORPORATIONS.

LIMITATION OF POWER, *See below, this title,* POWERS AND LIMITATIONS.

LOAN COMPANIES, *See* TRUST COMPANIES.

MANAGERS, *See above, this title,* DIRECTORS.

MANUFACTURING CORPORATIONS, *See* MANUFACTURE.

MINING COMPANIES, *See* MINES.

MONOPOLIES AND TRUSTS, *See* MONOPOLIES AND TRUSTS.

MORTGAGE CORPORATIONS.

Corporations formed for sole purpose of lending on country property not to receive money on deposit or to do banking business; under supervision of examiner of state banks. (La. 230.)

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CORPORATIONS (*Cont'd*)

MUNICIPAL AID, *See* "BOROUGHS", "CITIES", "COUNTIES", "DISTRICTS", "MUNICIPALITIES", "TOWNS", "TOWNSHIPS", "VILLAGES" *and* "EDUCATION — SCHOOL DISTRICTS".

MUNICIPAL CORPORATIONS, *See* MUNICIPALITIES.

MUNICIPAL FRANCHISES TO, *See* "BOROUGHS", "CITIES", "COUNTIES", "MUNICIPALITIES", "TOWNS", "TOWNSHIPS", "VILLAGES".

MUTUAL AND CO-OPERATIVE CORPORATIONS

Legislature to provide for organization of mutual and co-operative associations or corporations. (Wyo. X Corporations 10.)

NAME

Legislature not to change name by local or special law. (Ala. IV 104; Miss. IV 90.)

Legislature not to name or change name of corporation by special law. (Va. IV 63.)

NON-USER OF CHARTER, *See above, this title,* CHARTERS.

OBJECTS, *See above, this title,* CHARTERS.

OFFENSES

See above, this title, CHARTERS — FORFEITURE, REVOCATION OR AMENDMENT.

See above, this title, FOREIGN CORPORATIONS — OUSTER.

OFFICE, *See below, this title,* PLACE OF BUSINESS.

OFFICERS

Directors, *See above, this title,* DIRECTORS.

Embezzlement or misappropriation of moneys by officers renders directors or trustees personally liable. (Cal. XII 3.)

List of officers must be filed in corporation commission's office, showing stock holdings, before doing business. (Okla. IX 43.)

OIL PIPE CORPORATIONS, *See* PIPE LINES.

ORGANIZATION

See above, this title, CHARTERS.

See above, this title, CREATION.

PASSES

Person holding public office in state not to accept or use pass or purchase transportation other than as furnished to general public; legislature to enforce provision. (Wash. II 39.)

Public officer or person elected or appointed to public office under laws of state not to demand or accept pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates from any person or corporation, for himself or with another; shall be misdemeanor and forfeit office of recipient and misdemeanor in corporation or its agent; no privilege from, but immunity on, testifying. (N.Y. XIII 5.)

Same; except that recipient forfeits office and is liable to further penalty and corporation, or its agent, liable to fine of $500 in suit to be brought at domicile of recipient. (La. 191.)

On railroads, *See* RAILROADS.

PENAL CORPORATIONS, *See* PENAL INSTITUTIONS.

PIPE LINE CORPORATIONS, *See* PIPE LINES.

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CORPORATIONS (*Cont'd*)

PLACE OF BUSINESS

Of foreign corporations, *See above, this title,* FOREIGN CORPORATIONS.

Service of process, *See below, this title,* SERVICE OF PROCESS ON.

All corporations must have a place of business in state. (Mo. XII 15.)

All corporations must have at least one "public" office in state; religious, educational and benevolent associations and mercantile corporations excepted. (S.C. IX 4.)

All corporations must have a place of business in state; religious, educational and benevolent corporations excepted. (Cal. XII 14.)

All corporations must have one or more known places of business in state before doing business therein. (Ariz. XIV 8; La. 264; Utah XII 9.)

All corporations must have one or more known places of business in state before doing business therein; legislature to enact laws to this end. (Ky. 194.)

Charters to be filed in chancery clerk's office of county where principal office or place of business located. (Miss. VII 189.)

POLICE POWER, *See below, this title,* REGULATION.

POLITICAL ACTIVITIES

Bribery at elections by corporations punishable by forfeiture of charter or franchise and of right to do business. (Ky. 150.)

Not to influence elections or official duty by contributions of money or anything of value. (Okla. IX 40.)

Unlawful to contribute money or anything of value to influence election or official action. (Ariz. XIV 18.)

POWERS AND LIMITATIONS

Of foreign corporations, *See above, this title,* FOREIGN CORPORATIONS.

Exclusive privileges and immunities, *See* PRIVILEGES.

Real estate, *See below, this title,* REAL ESTATE.

All powers and franchises of corporations derived from people and granted by their agent, the government, for public good and general welfare. (Wyo. X Corporations 2.)

Armed persons or bodies not to be brought into state to preserve peace or suppress domestic trouble without authority of law. (Utah XII 16.)

Legislature not to delegate to private corporation or association power to make or interfere with municipal improvement, money, property or effects, to levy taxes or to perform municipal functions. (Cal. XI 13; Colo. V 35; Pa. III 20.)

Legislature not to delegate to private corporation or association power to make, supervise or interfere with municipal improvements, moneys, property or effects, to levy taxes or to perform any municipal functions. (Wyo. III 37.)

Municipality may award franchises or privileges no longer than for 20 years; advertising required; trunk railroads excepted. (Ky. 164.)

No corporation shall engage in any business not expressly authorized in its charter. (N.D. VII 137; Pa. XVI 16; S.D. XVII 7.)

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CORPORATIONS (*Cont'd*)

POWERS AND LIMITATIONS (*Cont'd*)

No corporation shall engage in any business not expressly authorized in its charter or articles of incorporation. (Ala. XII 233; Utah XII 10.)

No corporation shall engage in any business not expressly authorized in its charter or by the law under which it is organized. (Ariz. XIV 4; Cal. XII 9; Ky. 192; Mo. XII 7.)

No corporation shall engage in any business not expressly authorized in its charter or incidental thereto. (La. 265; S.C. IX 12.)

Not to have more than "one general line or department of business". (Wyo. X Corporations 6.)

Powers not to be increased or diminished by special laws. (Tenn. XI 8.)

Power to levy taxes may not be delegated to private corporations or associations. (Ala. XI 212.)

Rights, privileges, immunities and estates of corporate bodies shall remain as if constitution had not been altered, except as therein otherwise provided. (Del. IX 4.)

Rights and duties of corporations not affected by new constitution, except as therein limited. (Conn. X 3.)

Rights and duties of all corporations shall remain "as if this constitution had not been adopted", except as therein regulated and restricted. (Conn. X 3.)

Rights of corporations continued by new constitution. (Miss. Sched. 279.)

PROCESS, *See below, this title*, SERVICE OF PROCESS ON.

PROPERTY

Of domestic corporation on consolidation with foreign corporations, *See above, this title*, FOREIGN CORPORATIONS.

Forfeiture, *See above, this title*, CHARTERS.

Lease or alienation, *See above, this title*, FRANCHISES.

Real estate, *See below, this title*, REAL ESTATE.

PUBLIC LANDS, *See* PUBLIC LANDS.

PUBLIC SERVICE

Commissions, *See* PUBLIC SERVICE COMMISSIONS.

Corporations, *See* PUBLIC SERVICE CORPORATIONS.

QUASI-PUBLIC CORPORATIONS

Legislature not to extend, nor remit forfeiture of franchise or charter of, quasi-public corporations. (Cal. XII 7.)

RAILROADS, *See* RAILROADS.

REAL ESTATE

Of alien corporations, *See above, this title*, ALIEN CORPORATIONS.

Taking or holding real estate, except such as necessary and proper for business, forbidden. (Pa. XVI 6; S.D. XVII 7.)

Legislature may limit or restrain acquiring or holding of lands by corporations. (Miss. IV 84.)

Holdings of large tracts, uncultivated and unimproved, is against public interest and to be discouraged by lawful means. (Cal. XVII 2.)

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CORPORATIONS (*Cont'd*)
REAL ESTATE (*Cont'd*)
Holding longer than five years, except such as necessary for carrying on business, forbidden. (Cal. XII 9.)
Holding longer than five years, except such as necessary and proper for business, forbidden under penalty of escheat. (Ky. 192.)
Holding longer than six years, except such as necessary and proper for legitimate business, forbidden. (Mo. XII 7.)
Holding longer than seven years of lands secured by mortgage foreclosure, forbidden. (Okla. XXII 2.)
Holding longer than 10 years, except such as actually occupied in exercise of franchise, forbidden. (Mich. XII 5.)
Holding longer than 10 years, except such as necessary and proper for legitimate business or purposes, forbidden. (La. 265.)
Corporations may not deal in real estate except in incorporated cities and towns and except as necessary for business; mortgages to secure debts and naked titles held by trust companies as security excepted. (Okla. XXII 2.)
No corporation to be chartered or licensed solely to deal in real estate, except real estate in incorporated cities or towns, nor to act as agent to buy or sell same. (Okla. XXII 2.)
State lands not to be donated to or sold to corporations or associations for less price than to individuals. (Ala. IV 99; Miss. IV 95; S.C. III 31.)
Royal grants good only if made on or before October 14, 1775; grants since said date not affected by constitution. (N.Y. I 17.)
REFORMATORY CORPORATIONS, *See* PENAL INSTITUTIONS.
REGULATION
Acceptance of State Constitution, *See above, this title,* ACCEPTANCE OF STATE CONSTITUTION.
Charters, *See above, this title,* CHARTERS.
By Commissions, *See* PUBLIC SERVICE COMMISSIONS.
Right of State, in General
All corporations doing business in state may be regulated, limited and restrained by law. (Ariz. XIV 2; Utah XII 1; Wash. XII 1.)
All corporations doing business in the state may be regulated, limited and restrained by laws not in conflict with federal constitution. (Wyo. X Corporations 1.)
All corporations doing business in state may be regulated, limited and restrained by laws not in conflict with federal or state constitution. (N.M. XI 13.)
Article XIV of constitution not to be construed to prevent legislature from imposing other conditions on corporations. (Ariz. XIV 14.)
Attorney-general to inquire into charter rights and to prevent corporations collecting improper taxes, tolls, freight or wharfage. (Tex. IV 22.)
"Being creatures of the state", endowed for public good with some of its sovereign powers, corporations must be subject to its control. (Wyo. I 30.)

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CORPORATIONS (*Cont'd*)

REGULATION (*Cont'd*)

Right of State, in General (*Cont'd*)

Corporations cannot do prohibited acts by controlling interests in other corporations. (S.C. IX 19.)

Corporations, however formed, to be forever subject to general laws of state. (Me. IV Pt. III 14.)

Legislature given full power to correct abuses, prevent discrimination or excessive charges where service of public nature performed, and provide penalties. (Fla. XVI 30.)

Legislature may provide for creation and control of corporations by general laws, except corporations to exercise eminent domain and to acquire franchises in streets and highways of towns and cities. (R.I. Amend. IX.)

Legislature not to regulate affairs of corporations by special act. (Va. XII 154.)

Legislature should provide for supervision and government of corporations. (N.H. II 82.)

Legislature so to control associations as to prevent monopolies and trusts. (Ala. IV 103.)

"Proper boards, commissions or officers" may be given supervisory and regulatory powers over organization, business and issue and sale of stocks and securities (of domestic corporations) and business and sale of stocks and securities of foreign corporations, as prescribed by law. (Ohio XIII 2.)

Records, books and files always subject to "full visitorial and inquisitorial powers" of state, notwithstanding bill of rights. (Okla. II 28.)

Right of state to control and regulate corporations for public good and general welfare, declared. (Utah XII 1; Wash. XII 1; Wyo. X Corporations 2.)

Secretary of internal affairs to discharge such duties relating to corporations as may be prescribed by law. (Pa. IV 19.)

Subject to constitution and laws of state irrespective of filing of acceptance of constitution. (N.M. XI 12.)

Territorial laws continued under state until changed by legislature. (Nev. VIII 4.)

Repeal or Amendment of Laws

Revocation or amendment of charters, *See above, this title,* CHARTERS.

All authorized general or special laws subject to repeal or alteration by legislature. (Cal. XII 1; Mont. XV 2.)

All laws for formation of, or conferring rights, privileges and franchises upon corporations, may be amended, altered, repealed or abrogated. (Mich. XII 1.)

All laws relating to corporations may be altered, amended or repealed. (Ariz. XIV 2; Utah XII 1; Wash. XII 1.)

All laws relating to corporations may be altered, amended or repealed, when necessary for the public good and general welfare. (Wyo. X Corporations 1.)

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CORPORATIONS (*Cont'd*)

REGULATION (*Cont'd*)

Repeal or Amendment of Laws (*Cont'd*)

All revocable charters and amendments of charters existing and revocable or hereafter granted may be repealed by special act. (Va. XII 154.)

Legislature may alter or repeal general corporation laws. (Ala. XII 229; Ark. XII 6; Ida. XI 2; Kan. XII 1; Miss. IV 87; Nebr. XIb 1; Nev. VIII 1; N.J. IV Sec. VII 11; N.M. XI 13; N.D. VII 131; Ohio XIII 2; S.C. IX 2; Vt. II 65; Va. XII 154.)

Legislature may alter or repeal general corporation laws or special corporation acts. (N.Y. VIII 1; N.C. VIII 1; Wis. XI 1.)

Legislature may alter or repeal general corporation laws but not so as to interfere with or divest vested corporate rights. (Tenn. XI 8.)

Legislature may amend or repeal all laws for organization or creation of corporations or granting special or exclusive privileges or immunities by two-thirds vote. (Iowa VIII 12.)

Police Power

Police power of state is supreme over corporations as well as individuals. (N.M. XI 14; Wyo. X Corporations 2.)

Police power of state not to be used to permit corporations to infringe "equal rights of individuals or the general well-being of state". (Cal. XII 8; Colo. XV 8; Ga. IV Sec. II 2; Ida. XI 8; La. 263; Miss. VII 190; Mo. XII 5; Mont. XV 9; N.D. VII 134; Pa. XVI 3; S.D. XVII 4; Va. XII 159.)

Police power of state not to be used to permit corporations to infringe "equal rights of individuals". (Ky. 195.)

RELIGIOUS CORPORATIONS, *See* RELIGION.

REPEAL OF CONSTITUTIONAL PROVISIONS BY LEGISLATURE

After a designated date, legislature given power to repeal certain provisions of constitution relating to certain classes of public service corporations, their rates, facilities, etc. (Okla. IX 35.)

After a designated date, legislature given power to repeal certain provisions of constitution relating to corporation commission, its powers and duties and procedure on appeal therefrom. (Okla. IX 35; Va. XII 156(1).)

REPORTS

Annual report at time of paying registration fee to corporation commission to be required by general law; failure for 90 days after two years forfeits charter or license and subjects to other penalties, to be prescribed. (Va. XII 157.)

Annual report to corporation commission required of all corporations at time of payment of registration fee. (Ariz. XIV 17.)

By corporations whose stock is offered for sale to public, to corporation commission, under oath, as required by law or by corporation commission, prescribed. (Ariz. XV 13.)

Form and collection of reports matters for corporation commission which shall annually tabulate and publish them. (N.M. XI 6.)

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CORPORATIONS (*Cont'd*)

RIGHT OF WAY, *See* EMINENT DOMAIN.

RIGHTS AND DUTIES, *See above, this title,* POWERS AND LIMITATIONS.

SCHOOL CORPORATIONS, *See* EDUCATION.

SERVICE OF PROCESS ON

All corporations must have at least one agent in state authorized to accept service; religious, educational and benevolent associations and mercantile corporations excepted; legislature not forbidden to provide for service on any agent. (S.C. IX 4.)

All corporations must have one or more agents in state authorized to accept service before doing business therein. (Ariz. XIV 8; La. 264; Utah XII 9.)

All corporations must have one or more agents in state authorized to accept service; legislature to enact laws to this end. (Ky. 194.)

Foreign corporations, *See above, this title,* FOREIGN CORPORATIONS.

SLEEPING-CAR COMPANIES, *See* SLEEPING-CAR COMPANIES.

SOCIAL CORPORATIONS, *See* SOCIAL CORPORATIONS.

SPECIAL LAWS

For special laws relating to a particular subject, See throughout this title.

STATE AID

See STATE DEBT — PURPOSE — AID TO PRIVATE OR CORPORATE ENTERPRISE.

See STATE FINANCES — EXPENDITURES.

State as owner of securities, *See* PUBLIC PROPERTY.

STATE, CONDUCT OF BUSINESS BY

State not to carry on business of any corporation. (La. 58.)

STEAMSHIP COMPANIES, *See* STEAMSHIP COMPANIES.

STOCK

Books, *See above, this title,* BOOKS.

Decrease

To be under general law, with consent of majority of stock, first obtained at meeting held after 30 days' notice, as prescribed by law. (La. 267.)

Gambling in Stocks

Legislature to prohibit buying and selling in boards, exchanges or markets; sales on margin and for future delivery void and money may be recovered. (Cal. IV 26.)

Holdings in Competing Corporations

Forbidden, except stock taken in payment of debt; must dispose of same in 12 months and can exercise rights thereon only with consent of commission. (Okla. IX 41.)

Legislature may not authorize corporation to buy stock in domestic or foreign corporations, or make any contract therewith, with effect of lessening competition or encouraging monopoly; such contracts are void. (Ga. IV Sec. II 4.)

Increase

"Fictitious increase" of stock forfeits charter. (La. 266.)

"Fictitious increase" of stock shall be void. (Ala. XII 234; Ariz. XIV 6; Ark. XII 8; Cal. XII 11; Colo. XV 9; Ida.

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CORPORATIONS (*Cont'd*)
STOCK (*Cont'd*)
Increase (*Cont'd*)
XI 9; Ky. 193; La. 266; Mo. XII 8; Mont. XV 10; N.D. VII 138; Okla. IX 39; Pa. XVI 7; S.C. IX 10; S.D. XVII 8; Tex. XII 6; Utah XII 5; Wash. XII 6.)
To be under general law, with consent of majority of stock first obtained, and after "due notice" as prescribed by law. (Ariz. XIV 6; Utah XII 5; Wash. XII 6.)
To be under general law, with consent of majority of stock, first obtained, at meeting held after 60 days' notice, as prescribed by law. (Ark. XII 8; Cal. XII 11; Mo. XII 8; N.D. VII 138; Pa. XVI 7; S.D. XVII 8.)
To be under general law, with consent of majority of stock, first obtained, at meeting held after 30 days' notice, as prescribed by law. (Ala. XII 234; Colo. XV 9; Ida. XI 9; La. 267; Mont. XV 10; Okla. IX 39.)
Investment of Trust Funds
Legislature not to authorize investment of trust funds by executors, administrators, guardians or trustees, in private stocks. (Colo. V 36; Mont. V 37; Wyo. III 38.)
Legislature not to authorize investment of trust funds by executors, administrators, guardians or trustees, in private stocks; any such act avoided, saving previous investments. (Ala. IV 74; Pa. III 22.)
Issue
Forbidden except to *bona fide* subscribers or their assignees. (Ariz. XIV 6; Utah XII 5; Wash. XII 6.)
Of preferred stock requires consent of all the stockholders. (Mo. XII 10.)
Of preferred stock requires consent of two-thirds of stock. (Ala. XII 237.)
Legislature authorized to prevent fictitious capitalization, by civil or criminal proceedings. (N.H. II 82.)
Legislature to control all issues of stock by general laws. (Va. XII 167.)
Legislature to prevent issue of fictitious stock. (Okla. IX 39.)
Only for labor done or money or property actually received. (Ark. XII 8; La. 266.)
Only for labor done, or money or property actually received or subscribed. (S.C. IX 10.)
Only for labor done, services performed or money or property actually received. (Colo. XV 9; Ida. XI 9; Mont. XV 10.)
Only for money, labor done or money or property actually received. (N.D. VII 138; Pa. XVI 7; S.D. XVII 8.)
Only for money, labor done or property actually received. (Ala. XII 234.)
Only for money, labor done or property actually received to amount of par value thereof. (Okla. IX 39.)

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CORPORATIONS (*Cont'd*)

STOCK (*Cont'd*)

Issue (*Cont'd*)

Only for money paid, labor done or personal property, or real estate or leases thereof actually acquired. (Del. IX 3.)

Only for money paid, labor done or property actually received. (Cal. XII 11; Mo. XII 8; Tex. XII 6.)

Only for money paid, labor done or property actually received and applied to corporate purposes and not valued more highly than real market price. (Ky. 193.)

Plan of issue under oath must first be filed with corporation commission; if issue for services or property, nature and valuation of same to be stated; other requirements may be made by law; penalties to be provided. (Va. XII 167.)

Preferred Stock

Issue requires consent of all the stockholders. (Mo. XII 10.)

Issue requires consent of two-thirds of stock. (Ala. XII 237.)

Taxation, *See* TAXATION.

STOCK BOOKS, *See above, this title,* BOOKS.

STOCKHOLDERS

State as, *See* PUBLIC PROPERTY.

Municipality as, *See* "BOROUGHS", "CITIES", "COUNTIES", "DISTRICTS", "MUNICIPALITIES", "TOWNS", "VILLAGES".

Alien

If majority of stock owned by aliens, corporation deemed alien and may not own lands except under mortgage, where acquired in good faith for debts, certain mining lands and lands to develop certain mining products. (Wash. II 33.)

Filing of Names

List of directors, showing stockholdings, must be filed in corporation commission's office before doing business. (Okla. IX 43.)

Liability

Of bank stockholders, *See* BANKS.

"Corporators" of domestic corporations not to be individually liable for debts or liabilities of corporation. (Nev. VIII 3.)

Dues from corporations, other than banking, to be secured by individual liability of corporators, or other means, as prescribed by law. (Ind. XI 14.)

Dues from corporations to be secured by individual liability of corporators and other means as may be prescribed by law. (Cal. XII 2; N.Y. VIII 2.)

Dues from corporations to be secured by individual liability of corporations, or other means, as prescribed by law. (N.C. VIII 2.)

Dues from corporations to be secured by individual liability of stockholders to amount of their stock and such other means as provided by law; railroad, religious and charitable corporations excepted. (Kan. XII 2.)

Individually and personally liable for proportion of debts and

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CORPORATIONS (*Cont'd*)
STOCKHOLDERS (*Cont'd*)
Liability (*Cont'd*)
liabilities contracted while a stockholder in proportion of holdings to total holdings of stock; exposition companies excepted. (Cal. XII 3.)
Individually liable for all labor performed for corporation. (Mich. XII 4.)
In no case, individually liable in any amount over or above stock held. (Ida. XI 17; Mo. XII 9.)
In no case individually liable otherwise than for amount of unpaid stock owned. (Ala. XII 236.)
In no case individually liable otherwise than for unpaid stock owned, except in case of corporations authorized to receive money on deposit. (Ohio XIII 3.)
One or more stockholders may be made parties defendant on liability for debts of corporation. (Wash. XII 4.)
Original subscribers individually liable, following the stock, for unpaid subscriptions after corporate property exhausted. (Nebr. XIb 4.)
To amount of unpaid stock, "and no more", for debts of corporation; banking and insurance corporations excepted. (Wash. XII 4.)
To amount of stock held or owned, "excepting those organized for the purpose of carrying on any kind of manufacturing or mechanical business". (Minn. X 3.)
To amount of stock subscribed and unpaid for, for indebtedness of corporation; bank stockholders excepted. (Ore. XI 3; W.Va. XI 2.)
To amount remaining due on stock, to creditors of insolvent corporations. (S.C. IX 18.)
Voting Rights, *See above, this title*, DIRECTORS.
STREET RAILROADS, *See* STREET RAILROADS.
SUITS
Against
Foreign corporations, *See above, this title*, FOREIGN CORPORATIONS.
Service of process, *See above, this title*, SERVICE OF PROCESS ON.
Limitations of time different from general law as to actions against individuals forbidden; existing acts of such class void. (Pa. III 21.)
May be brought as in the case of natural persons. (Ala. XII 240; Ariz. XIV 1; Cal. XII 4; Mich. XII 2; Minn. X 1; Mont. XV 18; Nebr. XIb 3; Nev. VIII 5; N.Y. VIII 3; N.C. VIII 3; Utah XII 4; Wash. XII 5.)
May be sued in county where contract made or to be performed, where obligation or liability arises or breach occurs or where principal place of business located; subject to power of court to change place of trial. (Cal. XII 16.)
May be sued in their corporate name. (Kan. XII 6.)
Want of legal organization no defense. (Ariz. XIV 13.)

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CORPORATIONS (*Cont'd*)
SUITS (*Cont'd*)
By
May be brought as in the case of natural persons. (Ala. XII 240; Ariz. XIV 1; Cal. XII 4; Mich. XII 2; Minn. X 1; Mont. XV 18; Nebr. XIb 3; Nev. VIII 5; N.Y. VIII 3; N.C. VIII 3; Utah XII 4; Wash. XII 5.)
May sue in their corporate name. (Kan. XII 6.)
Want of legal organization no defense. (Ariz. XIV 13.)
SURETY COMPANIES, *See* SURETY COMPANIES.
SURRENDER OF RIGHTS
Acceptance of constitution, surrender of any tax exemption or non-repealable feature of charter and of rights and privileges not conferred on similar corporations conclusively presumed from accepting or effecting ameadment or extension of charter. (Va. XII 158.)
Acceptance of constitution, surrender of exemption from taxation or from repeal of charter condition precedent to benefit of future legislation. (Md. II 48.)
Provision to be made by general laws for voluntary surrender of charters. (Va. XII 154.)
TAKING OF FRANCHISES AND PROPERTY, *See* EMINENT DOMAIN — PROPERTY AND FRANCHISES OF CORPORATIONS.
TAXATION, *See* TAXATION.
TELEGRAPH COMPANIES, *See* TELEGRAPH COMPANIES.
TELEPHONE COMPANIES, *See* TELEPHONE COMPANIES.
TERM, *See above, this title,* DURATION.
TOLL ROAD COMPANIES, *See* ROADS.
TRANSMISSION COMPANIES, *See* TRANSMISSION COMPANIES.
TRANSPORTATION COMPANIES, *See* TRANSPORTATION COMPANIES
TRUST COMPANIES, *See* TRUST COMPANIES.
TRUSTS, *See* MONOPOLIES AND TRUSTS.
TURNPIKE COMPANIES, *See* ROADS.
UNUSED CHARTERS, *See above, this title,* CHARTERS.
VOTING RIGHTS, *See above, this title,* DIRECTORS.
WAREHOUSES, *See* WAREHOUSES.

CORRUPT PRACTICES
See ELECTIONS.
See LEGISLATURE — MEMBERS — BRIBERY.
See PUBLIC OFFICERS — BRIBERY.

CORRUPT SOLICITATION
Of members of legislature, See LEGISLATURE.
Of public officers, See PUBLIC OFFICERS.

CORRUPTION OF BLOOD, *See* CRIMES — PUNISHMENT.

COSTS, *See* COURTS.

COUNTIES
Under this title are digested all provisions relating specifically to counties. For provisions relating to municipalities and subdivisions of the state generally, and hence to this class, See MUNICIPALITIES.

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COUNTIES (*Cont'd*).

For provisions relating to power of counties and of consolidated cities and counties to frame their charters, See MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

For other provisions relating to consolidated cities and counties, See CITIES.

For provisions relating to initiative and referendum, See INITIATIVE AND REFERENDUM.

CREATION AND ESTABLISHMENT

In General

State to be "divided into political divisions to be called counties". (Fla. VIII 1.)

Not to be more than 145 counties in state; but in addition to counties then provided for, specified and described new county to be laid out. (Ga. XI Sec. I 2.)

New counties created to be statutory counties subject to existing laws. (Ga. XI Sec. I 2.)

Special provisions for election at time submission of constitution to determine whether described new county to be created and for its organization, if authorized by voters. (Md. XIII 2, 3, 4, 5.)

State divided into counties named and described in detail. (Okla. XVII 8.)

Three specified established counties declared to be "constitutional counties". (Tenn. X 4.)

Legislature to constitute counties by law. (Vt. II 6.)

Counties constituting state named in constitution. (W.Va. II 1.)

Such parts of "beds, banks and shores" of state's boundary rivers as lie opposite and adjoining the several counties of state to form parts of such counties. (W.Va. II 1.)

Existing Counties Confirmed

Those existing time adoption constitution ratified and confirmed. (Ala. II 38.)

Territorial counties as fixed by statute at time adoption constitution declared to be counties of state, until changed by law. (Ariz. XII 2.)

Existing counties recognized as legal subdivisions of state. (Cal. XI 1; Mo. IX 1; Tex. XI 1.)

Counties of territory declared counties of state. (Colo. XIV 1; Mont. XVI 1; Wyo. XII 1.)

"The special counties as they now exist are hereby recognized as legal political divisions of the state." (Fla. VIII 2.)

Counties of territory existing time adoption of constitution "hereby recognized as legal subdivisions" of state. (Ida. XVIII 1; Wash. XI 1.)

Continued with same names, boundaries and rights until changed in accordance with constitution and laws of state. (N.M. XXII 12.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Existing Counties Confirmed (*Cont'd*)

Several counties of territory of Dakota north of specified line declared to be counties of state. (N.D. X 166.)

Until changed by legislature as allowed by constitution boundaries of counties to remain as established time adoption constitution. Special provision for change of boundaries to provide for formation of specified new county, boundaries of which set forth in ordinance to constitution. (S.C. VII 12.)

Existing counties to remain as they are unless changed according to provision of constitution. (S.D. IX 1.)

Constitution recognizes as legal subdivisions of state and continues until changed by law in pursuance of constitution. (Utah XI 1.)

Formation of New Counties

Legislature to provide for by general and uniform laws. (Cal. XI 3.)

Legislature may establish. (Fla. VIII 3.)

Special provision for creation specified new counties, of specified names, boundaries and with specified county sites. (Ga. XI Sec. I 2.)

Legislature to provide for. (Kan. IX 1.)

The general assembly may establish and organize new counties (parishes). (La. 277.)

Legislature may provide for organizing; but not without consent majority of legal voters residing within limits of proposed new county. (Md. XIII 1.)

Legislature may from time to time establish and organize. (Minn. XI 1.)

Erection of new counties by special and local legislation forbidden. (Minn. IV 33; Pa. III 7.)

Not to be formed unless majority of qualified electors "voting in each part of the county or counties proposed to be dismembered and embraced in the new county shall separately vote therefor". Question not to be submitted more than once in four years. (Miss. XIV 260.)

Legislature to provide by general law for organizing. (N.D. X 167.)

In organizing, all natural boundaries to be observed as nearly as possible. (N.D. X 167.)

Laws creating not to take effect unless submitted to voters of all counties affected and approved by majority of those voting in each county at next general election. (Ohio II 30.)

Legislature to provide for creation by general laws. Proposition for creation of new county to be approved by 60 per cent. of votes cast in territory proposed to be established as a new county, at an election held for the purpose. (Okla. XVII 4.)

Legislature may establish new counties in following manner: When one-third qualified electors within area of proposed

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Formation of New Counties (*Cont'd*)

county petition governor for its creation setting forth boundaries and showing compliance with requirements, with this article of constitution, governor to order election within reasonable time by qualified electors within proposed area; vote to be yes or no on question of creation new county. If two-thirds qualified electors vote in favor of new county, legislature to establish same at next session. No county to be formed without compliance with all conditions imposed in this article constitution. (S.C. VII 1, 2.)

Question of name of new county to be submitted to electors in area of proposed new county, together with proposition to create such county. (S.C. VII 1.)

Election on question of forming new county not to be held more than once in four years. (S.C. VII 2.)

Legislature to provide for by general laws. (S.D. IX 1.)

May be established by legislature; detailed provisions for organization of specified new counties. (Tenn. X 4.)

Legislature may create counties for convenience of people; but in territory not included in any county time adoption constitution no county to be created of less than 900 square miles and in "square form" unless prevented by pre-existing boundary lines; area may be less in border counties where state lines so require; such territory may in advance of population be organized into counties and attached to most convenient organized county for judicial and surveying purposes. (Tex. IX 1.)

Counties of less than 900 but of 700 or more square miles within existing counties may be created by two-thirds vote of each house of legislature by yeas and nays entered on journals. (Tex. IX 1.)

Not to be formed without consent of majority of voters residing within boundaries of proposed new county voting on the question. (W.Va. IX 8.)

Legislature to provide by general law for organizing. (Wyo. XII 2.)

Incorporation

"Each county of the state now or hereafter organized shall be a body politic and corporate." (Ariz. XII 1.)

Each county "to be a body corporate" with such powers and limitations as prescribed by law. (Ga. XI Sec. I 1.)

Newly established counties shall be bodies corporate. (La. 277.)

"Each organized county" to be body corporate with such powers and immunities as shall be established by law. (Mich. VIII 1.)

Local or special legislation incorporating counties forbidden. (Minn. IV 33.)

Each organized county to be "body politic and corporate". (Okla. XVII 1; S.C. VII 9.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

County Seats

In General

Specified county may have two districts and two county seats at which county, probate and circuit courts to be held as provided by law "each district paying its own expenses". (Ark. XIII 5.)

"Additions" to county town to be included and regarded as part of county seat. (Mo. IX 2.)

Temporary Location

In formation of new counties, seats may be located temporarily by provisions of law. (Ark. XIII 3; N.D. X 167.)

Legislature may temporarily establish by law. (Fla. VIII 4.)

Legislature to provide by general law for locating temporary seats of new counties. (Wyo. XII 2.)

Location and Removal

Local or special legislation locating or changing prohibited. (Ala. IV 104; Ariz. IV 19; Colo. V 25; Ill. IV 22; Iowa III 30; Ky. 59; Minn. IV 33; Mo. IV 53; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.D. III 23; Tex. III 56; Utah VI 26; Va. IV 63; W.Va. VI 39; Wis. IV 31; Wyo. III 27.)

"No courthouse or county site" to be removed except by majority vote qualified electors of county voting at election held for purpose; special provision for specified county. (Ala. II 41.)

Not to be established or changed without consent majority qualified voters of county to be affected by change, nor until place at which proposed to establish or change such county seat is fully designated. (Ark. XIII 3.)

Local or special law changing forbidden. (Cal. IV 25; Wash. II 28.)

Removal forbidden unless two-thirds qualified voters of county voting on proposition at general election approve. (Cal. XI 2.)

Legislature not to remove but to provide for removal by general law. (Colo. XIV 2; Fla. VIII 4; Mont. XVI 2.)

Laws for removal not to take effect until submitted to electors of counties affected and adopted by majority of such electors at next general election (Colo. XIV 2; Minn. XI 1; Ohio II 30.)

No county site to be changed or removed except by two-thirds vote qualified voters of county voting at election held for purpose and two-thirds vote of legislature. (Ga. XI Sec. I 4.)

Local or special legislation changing seats forbidden unless law authorizing shall require that two-thirds legal votes cast at general or special election shall designate place

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COUNTIES (*Cont'd*)
CREATION AND ESTABLISHMENT (*Cont'd*)
County Seats (*Cont'd*)
Location and Removal (*Cont'd*)
to which seat to be changed; powers to pass special law to cease as long as legislature provides for such change by general law; and no special law to be passed for any county more than once in six years. (Ida. III 19.)
Removal forbidden unless on petition of majority of qualified electors and unless two-thirds of such electors voting on proposition at general election approve. (Ida. XVIII 2.)
Not to be removed until new place fixed by law, and three-fifths of voters of county, to be ascertained in manner provided by law, shall have voted in favor of removal to that place but when attempt is to move to point nearer center of county, majority to be sufficient. (Ill. X 4.)
Legislature to provide for changing seats but not without consent of majority of electors of county. (Kan. IX 1.)
No located seat to be removed except upon vote of two-thirds of "those voting". (Ky. 64.)
All laws removing parish seats shall be submitted to the electors of the parish affected thereby, and a two-thirds vote of the electors is necessary for such removal. (La. 278.)
Legislature may provide by law for locating and removing. (Md. XIII 1.)
Established seat not to be removed until proposed place is designated by two-thirds of county board of supervisors and majority of electors voting thereon approve proposed location in such manner as law prescribes. (Mich. VIII 13.)
Removal forbidden unless authorized by two-thirds of electors of county voting therefor, but when proposed removal is toward center of county it may be made when majority of electors participating in election shall vote therefor. (Miss. XIV 259, 260.)
Legislature not to remove but to provide for by general law. Not to be removed unless two-thirds of qualified voters of county voting on proposition at a general election vote therefor. (Mo. IX 2.)
Not to be removed unless majority qualified electors at general election on proposition to remove shall vote therefor. (Mont. XVI 2.)
No county seat, where there are county buildings, to be removed without approval three-fifths of votes cast by qualified electors on the question at election held as provided by law. (N.M. X 2.)
Private or local legislation locating or changing forbidden except revision commission bills. (N.Y. III 18, 23.)
Legislature to provide by general law for changing county seats in organized counties, but has no power to remove county seat of such counties. (N.D. X 169.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

County Seats (*Cont'd*)

Location and Removal (*Cont'd*)

Legislature to provide by general laws for original location of county seats in new counties, provided question submitted to qualified electors residing in territory formed into new and approved by 60 per cent. of votes cast. (Okla. XVII 4.)

After expiration of limited time (April 1, 1909) within which county seats may be removed under special provisions then existing, county seats may be removed by county election (details for which are contained in the constitution), but town, city or place to which removal is sought must receive two-thirds of votes cast at election on question of removal. (Okla. XVII 6.)

Constitution designates seat of each of counties into which state divided; places so specified to remain county seats until changed by vote of qualified electors in manner provided. (Okla. XVII 8, 6.)

Laws locating may be made to take effect or not upon vote of electors interested. (Ore. I 21.)

Question of location of county seat to be submitted to electors in area of proposed new county, together with proposition to create such county. (S.C. VII 1.)

Removal forbidden without approval two-thirds vote of qualified electors of county voting at election held for purpose. (S.C. VII 8.)

Where majority of voters petition for change to specified place of seat once fixed by majority vote of county, county board to submit question to people at next general election, and if approved by two-thirds votes cast at said election, county seat shall be changed, otherwise not; but where the proposition is to change seat from point not on railroad to a railroad seat three-fifths vote shall be sufficient to ratify such change. (S.D. IX 3.)

Where not previously located by majority vote, county board to submit the location of seat to electors at general election and place receiving majority of votes cast at such election shall be county seat. (S.D. IX 2.)

Legislature to provide for location by general laws. (S.D. IX 1.)

Removal prohibited without concurrence two-thirds qualified voters of county but this not to apply to two specified counties. (Tenn. X 4.)

Seat of justice of old county reduced to form new not to be removed without concurrence of two-thirds both branches legislature. (Tenn. X 4.)

Legislature to pass laws regulating manner of removal; none situated within five miles of geographical center of

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COUNTIES (*Cont'd*)
CREATION AND ESTABLISHMENT (*Cont'd*)
County Seats (*Cont'd*)
Location and Removal (*Cont'd*)
county to be removed except by two-thirds vote of electors voting thereon; majority such electors may remove county seat from point more than five miles from geographical center to point within five miles thereof; center to be determined by certificate commissioner of land office. (Tex. IX 2.)
Not to be moved unless two-thirds of qualified electors of county voting on the question at general election favor; two-thirds of votes cast on proposition required to relocate seat. (Utah XI 2.)
Forbidden unless three-fifths qualified electors of county voting on proposition at general election shall approve. Three-fifths of all votes cast on proposition required to relocate seat. (Wash. XI 2.)
Private or special legislation locating seats forbidden; but not to apply to creation of new counties. (Wash. II 28.)
Removal forbidden until new location is fixed by law and majority of the voters of the county voting on the question approve of removal to that location. (Wis. XIII 8.)
Legislature to provide by general law for location in organized counties, but may not itself remove. (Wyo. XII 3.)
Election to Determine Removal
Proposition to change seat not to be submitted more than once in four years. (Ala. II 41; Cal. XI 2; Colo. XIV 2; Miss. XIV 260; Mont. XVI 2; S.D. IX 3; Utah XI 2; Wash. XI 2.)
No person to vote at county seat removal election who has not resided in county six months and in precinct 90 days. (Colo. XIV 2; Ida. XVIII 2; Ill. X 4.)
Proposition to remove not to be submitted in same county more than once in six years except as provided by laws existing time adoption constitution. (Ida. XVIII 2.)
Question of removal not to be submitted more than once in 10 years. (Ill. X 4.)
Proposition to remove not to be submitted to voters more than once in five years. (Mo. IX 2.)
Proposition not to be submitted in same county more than once in eight years. (N.M. X 2.)
Elections for removal not to occur at intervals of less than 10 years. (Okla. XVII 6.)
Detailed provisions respecting elections for removal of seats within specified time after adoption constitution. (Okla. XVII 6.)
Election on question of removal not to be held in same county more than once in five years. (S.C. VII 8.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Boundaries

Change of Lines

Legislature may by two-thirds vote of each house designate boundaries which shall not be altered except by like vote. (Ala. II 39.)

Legislature may provide for by general and uniform laws. (Cal. XI 3.)

Legislature may change. (Fla. VIII 3.)

Forbidden unless under operation of general law for that purpose. (Ga. XI Sec. 1 3.)

Metes and bounds to remain as prescribed by law time adoption constitution unless changed as constitution provides. (Ga. XI Sec. I 1.)

Laws for not to take effect until submitted to electors of counties affected and adopted by majority of such electors at next general election. (Iowa III 30; Minn. XI 1; N.D. X 168; Ohio II 30.)

Legislature may provide for. (Kan. IX 1; N.D. X 167.)

All laws changing lines shall be submitted to the electors of the parish or parishes affected thereby. A two-thirds vote of such electors necessary to change. (La. 278.)

Legislature may provide for by law; but not without consent of majority voters of district which by change would be in county different from that prior to change. (Md. XIII 1.)

Special and local legislation forbidden. (Minn. IV 33; Pa. III 7.)

Local or special legislation forbidden, except in creating new counties. (N.M. IV 24; Wash. II 28.)

Natural boundaries to be observed as nearly as possible. (N.D. X 167.)

Legislature to provide by general laws for altering or changing lines. Proposition to change lines to be approved by 60 per cent. of votes cast in territory proposed to be transferred to another county and by a majority of the electors of the county to which it is proposed to add such territory. (Okla. XVII 4.)

Legislature may alter county lines at any time; but before existing county line is altered, question to be submitted to qualified voters of territory proposed to be taken from one county and given to another and approved by two-thirds of vote cast. S.C. VII 7.)

Special provision for change of boundaries to provide for formation of specified new county, boundaries of which set forth in ordinance to constitution. (S.C. VII 12.)

No change of county lines to result in reduction of county from which territory taken "below the limits prescribed by sections 3, 4 and 5 of this article". (Sec. 4 forbids

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Boundaries (*Cont'd*)

Change of Lines (*Cont'd*)

reduction of area of any county to less than 500 square miles, $2,000,000 of assessed taxable property, and 15,000 inhabitants; and section 5 forbids the cutting of old counties within eight miles of its courthouse. Sec. 3 forbids the creation of new counties of less than one one hundred and twenty-fourth (1/124) part of inhabitants of state, one and one-half millions of assessed taxable property or 400 square miles. It would seem that only 4 can apply to a change of county lines affecting a reduction of old counties.) (S.C. VII 7.)

Legislature to provide for changing by general laws. (S.D. IX 1; Wyo. XII 2.)

In counties organized, change of lines not to take effect until submitted to voters of counties affected at next general election and adopted by majority of voters interested in each county at such election. (S.D. IX, 1.)

Limitation on Location of Lines

Lines not to be altered or changed, or in case of new counties established so as to run within seven miles of courthouse of old county. (Ala. II 40.)

Lines of new county not to run within 10 miles of seat of county proposed to be divided; except county seat of specified county. (Ark. XIII 4.)

Lines of new counties not to pass within five miles of exterior boundary of city or town in which is located county seat of any county thereby divided. (Cal. XI 3.)

County lines not to pass within 10 miles of county seat of any county proposed to be divided. (Ill. X 1; Mo. IX 3; Okla. XVII 4; Pa. XIII 1.)

Lines of new counties not to pass within 10 miles of county seat of county proposed to be divided; but this does not prevent legislature abolishing any county. (Ky. 63.)

No lines to be established so as to pass through any incorporated city or town. (S.C. VII 14.)

In creation of new county, no old county to be "cut within eight miles of its courthouse building". (S.C. VII 5.)

No new county to be created to approach nearer than 12 miles to county seat of county from which taken. (Tex. IX 1.)

No line of new county to approach nearer than 11 miles to courthouse of old county from which new county taken; detailed provisions for organization of specified new counties. (Tenn. X 4.)

Division

No part of county to be taken off to form new county or part thereof without consent majority voters in such part proposed to be taken off. (Ark. XIII 2.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Division (*Cont'd*)

No part of county to be stricken therefrom without referendum to people of county, and approval of majority of legal voters of county voting on question. (Colo. XIV 3; Ill. X 2; Nebr. X 2.)

Division forbidden unless majority qualified electors of territory proposed to be cut off voting on proposition at general election approve division; this does not apply to new counties. No person to vote at such election who has not been resident for 90 days of territory proposed to be annexed. (Ida. XVIII 3.)

No territory to be stricken from county unless majority of voters of that territory shall petition for such division. (Ill. X 3; Ky. 65; Nebr. X 3.)

No county to be divided or have any portion stricken off "except in the formation of new counties" without submitting question to a vote of people of county, nor unless majority of legal voters of county voting on question shall approve. (Ky. 64.)

No county to be reduced to less than 16 townships as surveyed by United States unless in pursuance of law majority of electors voting on the question in each county affected shall so decide. (Mich. VIII 2.)

Question of division or reduction to be submitted to people (sec. 4 says "qualified voters") of county and majority of all qualified voters of the "counties thus affected" voting on the question necessary to adoption. (Mo. IX 3, 4.)

Nothing in legislative apportionment provisions of constitution to prevent division of by legislature. (N.Y. III 5.)

Any county of 100,000 may be divided when majority of voters residing in each of proposed divisions approve of the law passed for that purpose; but no town or city in such county shall be divided and none of the divisions shall contain less than 20,000. (Ohio II 30.)

No territory to be transferred from one county to existing county if by such transfer county from which territory taken is made smaller in area than county to which such territory added. (Okla. XVII 4.)

No section of old county to be cut off without consent of two-thirds vote of those voting in such section. (S.C. VII 2.)

No part of existing county to be stricken therefrom to form new county or part thereof without consent of two-thirds qualified voters in part so proposed to be stricken off. (Tenn. X 4.)

Described portion of specified county detached therefrom and added to specified adjoining county. (Tenn. X 4.)

No part of a specified county to be taken to form a new county or to be attached to any adjoining county (this is not one of the counties declared to be a constitutional county). (Tenn. X 4.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Division (*Cont'd*)

Legislature to divide counties "into districts of convenient size so that the whole number in the county shall not be more than 25, or four for every 100 square miles". (Tenn. VI 15.)

No part of existing county to be detached and attached to other existing county until proposition submitted in manner provided by law to electors of both counties and approved by majority those voting on questions in each. (Tex. IX 1.)

No territory to be stricken off unless majority of voters living in territory stricken off shall vote therefor, and then only under conditions prescribed by law. (Utah XI 3.)

Any county whose length is three times its mean breadth or which exceeds 50 miles in length may be divided at the discretion of the legislature (without regard to the limitation of 600 square miles for the formation of new counties). (Va. IV 61.)

No territory to be stricken from any county unless petitioned for by majority of voters living in such territory and then only under conditions prescribed by general law applicable to entire state. (Wash. XI 3.)

No county of 900 square miles or less to be divided or have any part stricken therefrom without referendum and approval of a majority of all legal voters of the county voting on the question. (Wis. XIII 7.)

No county to be divided unless majority of qualified electors of part to be stricken off voting on proposition approve. (Wyo. XII 2.)

Abolishment and Consolidation

Any county may be dissolved and merged with contiguous counties by two-thirds vote qualified electors of dissolved county voting at election held for purpose. (Ga. XI Sec. I 5.)

Any parish may be dissolved and merged by the general assembly into a contiguous parish or parishes, on a two-thirds vote of the electors of the parish proposed to be dissolved. But the parish or parishes into which the dissolved parish is to become incorporated must consent thereto by majority of its qualified electors. (La. 279.)

Specific provision for abolishment of named county and merging it with specified county. (Minn. XI 7.)

Legislature may provide for consolidation of existing counties if majority qualified electors of such counties voting at election held for that purpose approve. (Miss. XIV 271.)

Legislature may abolish Hamilton and annex its territory to other counties. (N.Y. III 5.)

When aggregate value of taxable property is less than $2,500,000, county may be declared "unorganized" and attached to the adjoining county with lowest valuation of taxable property on vote of majority of qualified electors of county at election

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Abolishment and Consolidation (*Cont'd*)

held for purpose. Counties so attached to remain "unorganized" until by similar petition and vote qualified electors thereof declare in favor of separate organized county existence. While so "unorganized" such county to be in all respects part of county to which united. (Okla. XVII 5.)

Legislature to provide for consolidation of two or more existing counties if majority qualified electors of such counties "shall vote separately therefor". Such election not to be held more than once in four years in same counties. (S.C. VII 10.)

Minimum Area

Establishment of New

New county not to be formed of less than 600 square miles. Special provision for specified new county. (Ala. II 39.)

No county to be established with less than 600 square miles, but this not to apply to specified counties or to prevent changing of lines between specified counties. (Ark. XIII 1.)

Four hundred square miles. (Ida. XVIII 4; Ill. X 1; Md. XIII 1; Miss. XIV 260; Minn. XI 1; Nebr. X 1; Ohio II 30; Ore. XV 6; Pa. XIII 1; S.C. VII 3; W.Va. IX 8.)

No new county to be created of less than 432 square miles; except that specified counties may be organized "without additional territory". (Iowa XI 2.)

Four hundred and thirty-two square miles. (Kan. IX 1.)

No new county to be formed of less than 400 square miles; but this does not prevent legislature abolishing any county. (Ky. 63.)

Legislature not to establish any county of less than 410 square miles. (Mo. IX 3.)

Twenty-four "congressional townships". (N.D. X 167.)

No new county to be formed of less than 400 square miles "taxable area". Legislature not to increase this limitation. (Okla. XVII 4.)

No new county to be organized to include less than 24 congressional townships as near as may be without dividing a township or fractional township. (S.D. IX 1.)

Two hundred and seventy-five square miles with special provision for organization of specified new counties. (Tenn. X 4.)

No new county to be created of less than 900 square miles. (Tex. IX 1.)

In territory organized into counties at time adoption constitution, no new county to be created of less than 700 square miles. (Tex. IX 1.)

No new county to be formed of less than 600 square miles. But any county whose length is three times its mean breadth, or which exceeds 50 miles in length, may be livided at the discretion of the legislature. (Va. IV 61.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Minimum Area (*Cont'd*)

Reduction of Old

Six hundred square miles. Special provision for specified old counties. (Ala. II 39.)

Six hundred square miles, but this not to apply to specified counties, or to prevent changing lines between specified counties. (Ark. XIII 1.)

Four hundred square miles. (Ida. XVIII 4; Ill. X 1; Md. XVII 1; Minn. XI 1; Miss. XIV 260; Nebr. X 1; Ohio II 30; Ore. XV 6; Pa. XIII 1; W.Va. IX 8.)

Not to be reduced to less than 400 square miles and any county under that area not to be further reduced. (Ind. XV 7.)

Four hundred and thirty-two square miles. (Iowa XI 2; Kan. IX 1.)

Four hundred square miles; but this does not prevent legislature abolishing any county.. (Ky. 63.)

Six hundred and twenty-five square miles. (La. 277.)

Four hundred and ten square miles. (Mo. IX 3.)

Twenty-four "congressional townships". (N.D. X 167.)

Four hundred square miles "taxable area". Legislature not to increase this limitation. (Okla. XVII 4.)

Not to be reduced to less than 500 square miles. (S.C. VII 3; Tenn. X 4.)

Twenty-four congressional townships as near as may be without dividing a township or fractional township. (S.D. IX 1.)

No old county to be reduced to less than 500 square miles by formation of new; with special detailed provisions for organization of specified new counties. (Tenn. X 4.)

Seven hundred square miles in territory organized into counties time adoption constitution. (Tex. IX 1.)

Existing counties may be reduced in area to not less than 700 square miles by two-thirds vote of each house by yeas and nays entered on journals. (Tex. IX 1.)

Six hundred square miles. Any county whose length is three times its mean breadth, or which exceeds 50 miles in length may be divided at discretion of legislature. (Va. IV 61.)

Increase of Area

No territory to be added to "any county", without consent of majority of voters of county to which it is to be added. (Ill. X 3.)

Counties established prior to constitution may be enlarged. (Minn. XI 1.)

No territory to be added to "any organized territory" without consent of majority of voters of county to which it is to be added. (Nebr. X 3.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Increase of Area (*Cont'd*)

No territory to be added to a county unless majority of voters living in "county to which it is to be annexed" shall vote therefor and then only under such conditions as prescribed by law. (Utah XI 3.)

Minimum Population

Establishment of New

No county to be formed unless contains sufficient population to entitle it to one representative under ratio of representation existing at time of its formation. (Ala. II 39.)

No new county to be established with less than 5,000 inhabitants, but this not to apply to specified counties or to prevent change of lines between specified counties. (Ark. XIII 1.)

Eight thousand. (Cal. XI 3.)

No county to be created of less than 12,000 inhabitants. (Ky. 64.)

No new county to be created with less than 10,000 "white inhabitants". (Md. XIII 1.)

Where new county formed with less than "a ratio of representation" it shall be attached for representative purposes to county from which most of its territory was taken until it has such ratio. (Mo. IX 3.)

Erection of new forbidden unless population sufficient to entitle it to one member of the state assembly. (N.Y. III 5.)

Ten hundred *bona fide* inhabitants. (N.D. X 167.)

No new county to be formed of less than 15,000 people. Legislature not to increase this limitation. (Okla. XVII 4.)

Twelve hundred. (Ore. XV 6.)

Twenty thousand. (Pa. XIII 1.)

None to be formed containing less than one one hundred twenty-fourth (1/124) part of whole number of inhabitants of state. (S.C. VII 3.)

Seven hundred qualified voters, with special provision for organization of specified new counties. (Tenn. X 4.)

No county to be established containing less than 2,000. (Wash. XI 3.)

Six thousand. (W.Va. IX 8.)

No new county to be created with less than 1,500 "*bona fide* inhabitants". (Wyo. XII 2.)

Reduction of Old

Sufficient inhabitants to entitle to separate representation under ratio existing at time of its reduction. (Ala. II 39.)

Five thousand inhabitants, but this not to apply to specified counties or to prevent change of lines between specified counties. (Ark. XIII 1.)

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COUNTIES (*Cont'd*)
CREATION AND ESTABLISHMENT (*Cont'd*)
Minimum Population (*Cont'd*)
Reduction of Old (*Cont'd*)
No new county to be established which reduces any existing county to less than 20,000 population. (Cal. XI 3; Pa. XIII 1.)
Twelve thousand inhabitants. (Ky. 64.)
Seven thousand inhabitants. (La. 277.)
Ten thousand white inhabitants. (Md. XIII 1.)
No county established at time adoption constitution to be reduced to less than "required for a ratio of representation existing at the time". (Mo. IX 3.)
Ten hundred "*bona fide* inhabitants". (N.D. X 167.)
Fifteen thousand people. Legislature not to increase limitation. (Okla. XVII 4.)
Not to be reduced to less than 15,000. (S.C. VII 3.)
No county to be reduced to less than 8,000. (Va. IV 61.)
Four thousand. (Wash. XI 3.)
Six thousand. (W.Va. IX 8.)
Fifteen hundred "*bona fide* inhabitants". (Wyo. XII 2.)
Minimum Property Value
No new county to be formed of and no old county to be reduced to less taxable property than $1,000,000 as shown by last previous assessment. (Ida. XVIII 4.)
No new county to be formed with and no old county to be reduced to "taxable wealth" of less than $2,500,000 as shown by current tax rolls. Legislature not to increase this limitation. (Okla. XVII 4.)
No county to be formed of less assessed taxable property than $1,500,000 as shown by last tax return. $2,000,000 limit for reduction of old county. (S.C. VII 3.)
Two million dollars as shown by last preceding tax returns. $3,000,000 limit for reduction of old county. (Wyo. XII 2.)
Apportionment of Assets
Whenever a parish is enlarged or created from contiguous territory it shall be entitled to a just proportion of the property and assets of the parish or parishes from which such territory was taken. (La. 280.)
Legislature to provide by general law for equitable division of assets on the erection of new counties or altering and changing new county lines. (Okla. XVII 4.)
Legislature to provide by general, special or local law for division of property and assets of any county existing in the territory of Oklahoma, between such county and any new county created out of territory of such county. (Okla. Sched. 20.)
If legislature fails to divide property and assets of territorial counties between any county and any other county created out of its territory, jurisdiction for this purpose conferred on supreme court. (Okla. Sched. 38.)

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COUNTIES (*Cont'd*)

CREATION AND ESTABLISHMENT (*Cont'd*)

Apportionment of Assets (*Cont'd*)

Portions taken from old county to form new or to add to another county to be entitled to "their proportion of any stocks or credits belonging to such old counties". (Tenn. X 4.)

Apportionment of Debt

County enlarged or created from territory taken from other county, to be liable for just proportion of existing debts of county from which territory taken. (Cal. XI 3.)

Part of county stricken off and added to another county to be held to pay its ratable proportion of all then existing liabilities of county from which taken. (Colo. XIV 5; Ida. XVIII 3; Mo. IX 4.)

New county to assume equitable proportion of debt of counties reduced to form it. (Colo. XIV 4; Mo. IX 3; S.C. VII 5; Wyo. XII 2.)

New county to be liable "for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property both real and personal subject to taxation within the territory taken from any county or counties". (Fla. VIII 3.)

County acquiring additional territory from other county to be liable for "its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory". (Fla. VIII 3.)

Portion stricken from one county and added to another or formed into new county to be liable for its proportion of indebtedness of county from which taken. (Ill. X 3; Ky. 65; Nebr. X 3.)

Whenever a parish is enlarged or created from contiguous territory it shall be liable for a just proportion of the existing debts or liabilities of the parish or parishes from which such territory was taken. (La. 280.)

Detailed provisions submitting proposition to create specified new county include provision that when created the inhabitants of the new county shall cease to have any interest in county buildings and other public property belonging to old counties and shall be liable for proportionate share of existing debts of said counties according to the last assessment in said counties to be ascertained and apportioned by the circuit court of such old counties and the property in each part of the old counties which may be included in the new county is subjected only to the debts of the county from which it was taken. (Md. XIII 3.)

Where new county formed from territory of old county or where any county to which territory has been added by striking it from another county shall fail to pay its proportion of debts of old county then latter may levy and collect by taxation "the

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COUNTIES (*Cont'd*)
CREATION AND ESTABLISHMENT (*Cont'd*)
Apportionment of Debt (*Cont'd*)
due proportion of indebtedness of such territory" in same manner as if the said territory had not been stricken off. (Mo. IX 5.)
New county to be held to pay its ratable proportion of all then existing liabilities of the county or counties from which it is formed, less the ratable proportion of the value of the county buildings and property of the county or counties from which it is formed; this not to prevent readjustment of county lines between existing counties. (Mont. XVI 3.)
In case part of county stricken off and added to another, the latter shall assume and be liable for "equitable proportion of the indebtedness of the county so reduced". (N.D. X 168.)
Legislature to provide by general law for equitable division of liabilities on the erection of new counties or altering and changing new county lines. (Okla. XVII 4.)
Legislature to provide by general, special or local law for division of liabilities of any county existing in the territory of Oklahoma, between such county and any new county created out of territory of such county. (Okla. Sched. 20.)
If legislature fails to divide liabilities of territorial counties between any county and any other county created out of its territory, jurisdiction for this purpose conferred on supreme court. (Okla. Sched. 38.)
"Proper proportion" of existing county debt of section transferred to another county to be assumed by county to which such territory transferred. (S.C. VII 7.)
Portions of old counties detached to form new or added to another county to continue liable "for their *pro rata* of all debts contracted by their respective counties prior to separation". (Tenn. X 4.)
Part stricken off to pay its proportion of then existing liabilities of county from which taken, in manner prescribed by law. (Tex. IX 1.)
County enlarged or created from territory taken from other county to be liable for "just proportion of the existing debts and liabilities" of county from which territory taken, but "in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property or in the purchase or construction of any county buildings then in use or under construction which shall fall within and be retained by the county". (Wash. XI 3.)
Provisions apportioning debt of county from which territory taken not to affect rights of creditors. (Wash. XI 3.)
INTERNAL ORGANIZATION AND ADMINISTRATION
For provisions as to county commissioners, See below, this title, COMMISSIONERS.

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COUNTIES (*Cont'd*)

INTERNAL ORGANIZATION AND ADMINISTRATION (*Cont'd*)

In General

Legislature to provide uniform system of government throughout state. (Cal. XI 4; Nev. IV 25; Utah XI 4; Wash. XI 4.)

Legislature to establish uniform system of government "which shall be applicable except in cases where local or special laws are provided by the legislature that may be inconsistent therewith". (Fla. III 24.)

Tribunals or offices created by legislature for transaction of county matters to be uniform throughout state of same name, jurisdiction and remedies except that legislature may provide for appointment of commissioners of roads and revenues in any county. (Ga. XI Sec. III 1.)

Suits by or against to be in name of county. (Ga. XI Sec. I I; Mich. VIII 1.)

Subject to provisions of this article of constitution legislature to establish system of county government which shall be uniform throughout state. (Ida. XVIII 5.)

Legislature to establish "but one system of county government which shall be as nearly uniform as practicable". (Wis. IV 23.)

Township Organization

For provisions relating to townships, See TOWNSHIPS.

Authorized when majority qualified electors voting at general election approve. (Cal. XI 4.)

Subject to provisions of this article of constitution legislature by general laws shall provide for township and precinct organization. (Ida. XVIII 5.)

Where county has adopted township organization question of continuing same may be submitted to voters of county at general election in manner provided by law; such organization to cease if majority of votes cast on the question be against such organization and all laws applicable to counties not having township organization thereupon immediately to take effect and to be in force in such county. (Ill. X 5.)

Counties may be under township organization when majority of legal voters of county voting on proposition at general election shall so determine. (Mo. IX 8.)

Where county has adopted township organization question of continuing it may be submitted to electors of county at general election in manner provided by law and if majority of all votes cast upon that question shall be against such organization it shall cease in that county. (Mo. IX 9.)

Where voters of county which has adopted township organization vote in favor of discontinuing it then "all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county". (Mo. IX 9.)

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COUNTIES (*Cont'd*)

INTERNAL ORGANIZATION AND ADMINISTRATION (*Cont'd*)

Township Organization (*Cont'd*)

Majority county voters voting at any general election may organize county under general law providing for township organization. (Ill. X 5; Nebr. X 5.)

After adoption of township organization question of its continuance may be submitted to county electors at general election in manner provided by law. (Ill. X 5; Nebr. X 5.)

Legislature to provide by general law for "township organization", under which any county may organize when majority of voters of county voting at general election shall so determine. (N.D. X 170.)

When a county adopts "township organization" provisions of constitution as to management of "fiscal concerns" by board of commissioners may be dispensed with by majority of votes at any general election. (N.D. X 170.)

Township organization may be abolished by majority of legal voters voting on proposition at general or special election; detailed provisions for calling election. If township government abolished, duties previously performed by township officers to be performed by county officers having like duties in relation to county as township officers have in relation to township. Question of returning to township government may be submitted at any general election subsequently and majority of votes cast on the question to re-establish it. (Okla. V 5a.)

Legislature to provide by general law for organization into townships. (S.D. IX 4.)

Legislature may provide by general law township organization under which county may organize when majority qualified electors of county voting at general election shall so determine. (Wash. XI 4.)

May adopt township organization and government when approved by majority of citizens of county voting at general election. (Wyo. XII 4.)

Administration by Court

For judicial functions of county courts, See COURTS — COUNTY COURTS.

County courts to have exclusive original jurisdiction "in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes and in every other case that may be necessary to the internal improvement and local concerns of the respective counties". (Ark. VII 28, 29.)

County court to be held by one judge except in cases otherwise provided in constitution. (Ark. VII 28, 29.)

County courts provided for in this constitution shall be regarded in law as a continuation of the boards of supervisors now existing by law. (Ark. Sched. 23.)

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COUNTIES (*Cont'd*)

INTERNAL ORGANIZATION AND ADMINISTRATION (*Cont'd*)

Administration by Court (*Cont'd*)

Justices of peace to sit with county judge and assist in levying county taxes and making appropriations for expenses of county in manner prescribed by law; judge and majority of justices to be quorum for purpose; or in absence of judge majority of justices to be quorum and they to elect one of their number to preside; legislature to regulate manner of compelling attendance of such quorum. (Ark. VII 30.)

After adoption township organization assessment and collection of revenues to be made and business of county to be managed and transacted in manner prescribed by general laws providing for township system. (Cal XI 4.)

Powers of court of ordinary to be vested in "ordinary for each county from whose decision there may be an appeal (or by consent of parties without a decision) to the superior court under regulations prescribed by law". Courts of ordinary to have such powers in relation to roads, bridges, ferries, public buildings, paupers, county officers, county funds, county taxes and other county matters as may be conferred on them by law. (Ga. VI Sec. VI 1, 2.)

When township organization adopted, provisions of constitution for management of fiscal affairs of county by board of commissioners may be dispensed with and affairs of county transacted as legislature provides. (Ill. X 5.)

Counties to have fiscal court consisting of judge of county court and justices of peace, or county may have three commissioners elected at large who with the judge of county court shall constitute such fiscal court; judge of county court to preside; majority to constitute "court for transaction of business". (Ky. 144.)

Where "for county governmental purposes" city is by law separated from remainder of county, commissioners constituting fiscal court to be elected from that part of county outside of city. (Ky. 144.)

County court in each county to have jurisdiction "to transact all county and such other business as may be prescribed by law"; court to consist of one or more judges not exceeding three, of whom probate judge may be one, as provided by law, (Mo. VI 36.)

Provision of constitution for management of county affairs and assessment and collection of revenue by county officers in conflict with such general law for township organization may be dispensed with and business and local concerns of county and townships therein transacted as prescribed by law. (Mo. IX 8.)

When county after adopting "township organization" also dispenses with management of affairs by board of commissioners, its affairs may be transacted by chairmen of township boards

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COUNTIES (*Cont'd*)

INTERNAL ORGANIZATION AND ADMINISTRATION (*Cont'd*)

Administration by Court (*Cont'd*)

of the county and such others as may be provided by law for incorporated cities, towns or villages. (N.D. X 170.)

Question of continuing system of government by chairman of the township boards where it has been adopted may be submitted to voters at general election in manner provided by law and, if majority of votes against such system, it shall cease and affairs of county be conducted as provided by laws of territory of Dakota. (N.D. X 171.)

Until system of government by chairmen of township boards is adopted by a county, its affairs shall be transacted by board of commissioners. (N.D. X 172.)

County commissioners with county judge as presiding officer to compose county commissioners' court which exercises such power and jurisdiction over all county business as constitution and laws of state confer. (Tex. V 18.)

When county has adopted township organization, the assessment, collection of revenue and business of the county and the local affairs of its several townships shall be managed and transacted in manner prescribed by general law providing for such township organization. (Wash. XI 4.)

Each county to have county court composed of three commissioners, two of whom shall be quorum for transaction of business; regular session to be held each year at times fixed and entered of record by the court; provision to be made by law for holding special sessions. (W.Va. VIII 22.)

County court to have, under regulations prescribed by law "superintendence and administration of the internal police and fiscal affairs of their counties, including establishment and regulation of roads, ways, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies"; to exercise and perform such duties other than those mentioned in constitution "not of a judicial nature" as prescribed by law. (W.Va. VIII 24.)

Tribunals previously established in any county for "police and fiscal purposes" to continue and such tribunals to act in lieu of county court provided for by constitution until otherwise provided by law. (W.Va. VIII 24.)

On application of any county legislature to "reform, alter, or modify the county court" established by constitution and in lieu thereof with assent of majority of voters voting at election create another tribunal for transaction of business required by constitution to be performed by county court; in such case the provisions of constitution applicable to county court to be applicable to such other tribunal and latter to continue to act in lieu of county court until otherwise provided by law. (W.Va. VIII 29.)

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COUNTIES (*Cont'd*)

OFFICERS

Under this subhead are digested only those provisions which relate to county officers generally. For provisions relating to any particular officer, See the specific subhead.

See also PUBLIC OFFICERS.

In General

Local or special legislation legalizing unauthorized or invalid acts of officers prohibited. (Ky. 59; La. 48; Mo. IV 53.)

On recommendation of auditor or police jury of any parish governor may suspend officer charged with collection or custody of public funds when in arrears. (La. 223.)

Local and special legislation regulating offices, forbidden. (Nebr. III 15.)

If prisoner lawfully in custody be taken through officer's permission or negligence by mob or suffer bodily violence, officer to be guilty of misdemeanor and on true bill found to be deposed pending trial and if convicted shall forfeit his office and unless pardoned by governor not to be eligible to hold any office of trust or profit in the state. (S.C. VI 6.)

"Whenever practicable, the legislature may and whenever same can be done without detriment to the public service, shall consolidate offices" and when consolidated "the duties of such additional office shall be performed under an *ex officio* title". (Wyo. XIV 6.)

All except assistant assessor of taxes to be commissioned by governor before entering on duties, but no commission to issue until bond filed. (Fla. VIII 7.)

Legislature may provide for commissioning officers when not provided for by constitution. (W.Va. IX 5.)

Legislature to provide for responsibilities of officers. (W.Va. IX 6.)

Accounting for Public Funds

See also below, this title, CORRUPT PRACTICES.

See also below, this subdivision, FEES.

See also below, this subdivision, QUALIFICATIONS AND DISQUALIFICATIONS

See also below, this subdivision, VACANCY IN OFFICE — WHAT CONSTITUTES.

Legislature to provide for strict accountability for all fees collected and public and municipal moneys paid to or which officially come into their possession. (Cal. XI 5; Ida. XVIII 6; Wash. XI 5.)

Person convicted of embezzlement or defalcation of public funds of county not to be eligible to any office of honor, trust or profit under state and legislature to provide for punishment as for felony. (Cal. IV 21.)

Sworn statement of, accompanied by vouchers showing all expenses incurred and fees received, to be filed at end of each

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COUNTIES (*Cont'd*)
OFFICERS (*Cont'd*)
Accounting for Public Funds (*Cont'd*)
quarter with clerk of county commissioners, and to be audited by board of county commissioners as other accounts. (Ida. XVIII 7.)
Neglect or refusal of officer or deputy to account for and pay to county treasury, fees received in excess of actual and necessary expenses within 10 days after his quarterly settlement, to be felony punishable as embezzlement of public funds. (Ida. XVIII 9.)
No collector or his assistant or deputy of taxes or public moneys for county to be eligible to legislature unless six months before election he obtains "quietus" for his collections and all public moneys for which he is responsible. (Ky. 45.)
Upon recommendation of auditor or police jury of any parish, governor may suspend any officer charged with collection or custody of public funds when in arrears. (La. 223, Amend. 1914.)
Legislature to provide by law for keeping of public funds and for their supervision and audit by competent state authority and for uniform reports to such authority; such system of accounts to provide for accurate records of financial and other transactions and for checks on all receipts and disbursements; all public accounts and audit thereof to be public records open to inspection. (Mich. X 18.)
All executive and ministerial officers to make quarterly returns to county court of fees received and salaries paid to deputies and assistants, stating same in detail, verified by affidavit. Statement or omission therein to subject them to penalties for perjury. (Mo. IX 13.)
Legislature to provide for accountability in respect both to fees collected and all public or municipal moneys paid to officers. (Pa. XIV 6.)
Legislature to pass suitable laws for safe-keeping of county funds; persons charged therewith to give security, and legislature to pass laws making embezzlement thereof felony, and part of punishment to be disqualification from holding office of honor or emolument in county, but this disability may be removed by two-thirds vote of legislature on full payment principal and interest of sum embezzled. (S.C. X 12.)
Officers to be required by law to keep correct account of fees collected and to pay into proper treasury; and officer whose duty it is to collect such fees shall be responsible under bond for them. (Utah XXI 2.)
Legislature to provide for examination of books, accounts and statements of county officers charged with collection and disbursement public funds. (Va. VII 115.)
Laws to be "enacted and enforced by suitable provisions and penalties" requiring sheriffs and other county officers who

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Accounting for Public Funds (*Cont'd*)

receive or whose duty it is to receive, hold, or pay out money for the use of or belonging to the state or any county, district or municipal corporation to make annual account and settlement therefor; such settlement to be subject to exceptions and to take such direction and have such force and effect as provided by law. Settlement to be recorded and open to examination of people at such convenient place as may be fixed by law. (W.Va. VI 27.)

No person who has collected or been entrusted with public money of county to be eligible to legislature or to any office of honor, trust or profit in the state until he shall have duly accounted for and paid over such money according to law. (W.Va. VI 14.)

"Being a defaulter" to county renders ineligible to any office of trust, profit or honor in state. (Wis. XIII 3.)

To be required by law to keep account of and pay into proper treasury all fees collected, and officer whose duty it is to collect shall be made responsible under his bonds for neglect to collect. (Wyo. XIV 2.)

Bonds

Sureties to reside within county in which principal resides and have sufficient property therein not exempt from sale under execution, attachment or other court process to make good their bond; but any surety, bonding or guarantee company organized for purpose of doing surety or bonding business and authorized to do business in state may become surety on such bonds under regulations prescribed by law. (Ark. XIX 21.)

In case of all except assistant assessor of taxes no commission to issue until officer files with secretary of state "good and sufficient bond" in such sum and on such conditions as legislature by law prescribes. Approved by county commissioners of county in which officer resides and by comptroller. (Fla. VIII 7.)

No county officer to become surety on official bond of other county officer. (Fla. VIII 7.)

Sureties to reside in and have sufficient visible and unencumbered property not exempt from sale under process to make good their liability in county in which principal resides but duly organized, responsible guarantee or surety company, foreign or domestic, doing business in state may be accepted as surety. (Fla. XVI 13.)

Such officers (in addition to sheriff, surveyor, coroner, jailer and constable) as legislature may from time to time require shall, before entering on their duties and as often thereafter as may be deemed proper, give bond and security prescribed by law. (Ky. 103.)

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COUNTIES (*Cont'd*)
OFFICERS (*Cont'd*)
Bonds (*Cont'd*)
Officers required by law to give bond may be required to give additional security on such bond or to execute new bond. (Va. VII 113.)
Legislature may require officers to give bonds for faithful discharge of duties of their offices. (W.Va. IX 5.)
Compensation
See also below, this title, FINANCES — EXPENDITURES — EXTRA COMPENSATION TO OFFICERS, AGENTS OR CONTRACTORS.
Legislature may by general or local law, regulate fees, costs, commissions, allowances or salary to be charged or received by any county officer of specified county "including the method and basis of their compensation". (Ala. IV 96.)
Salary, fees or compensation of civil officers not to be increased or diminished during term for which elected or appointed. (Ala. XVII 281.)
Officers to be paid fixed definite salaries and not to receive fees for their own use. (Ariz. XXII 17.)
Where not provided by law compensation to be fixed by board of supervisors of each county and salaries so fixed to be in effect until changed by general law. (Ariz. XII 4.)
No county officer to receive for salary, fees and perquisites, more than $5,000 "net profits per annum in par funds". (Ark. XIX 23.)
Legislature to regulate "in proportion to duties" for such other county officers (in addition to the board of supervisors, county clerk and sheriff) as public convenience requires. (Cal. XI 5.)
Not to be increased during term. (Cal. XI 9; Mo. XIV 8.)
To be prescribed by law. (Colo. XIV 7; N.D. X 173; Pa. XIV 5; S.D. IX 6.)
For purpose of regulating compensation of county and precinct officers, legislature shall by law classify the counties according to population and fix compensation of officers within respective classes according to population. Such laws to establish scales of fees to be charged by such county and precinct officers as may be designated therein for services performed by them; where salaries are provided for such officials, to be payable only out of fees actually collected in all cases where fees are prescribed. (Colo. XIV 15.)
Legislature to provide for compensation in case of officers not otherwise provided for by the constitution. (Fla. III 27.)
All county officers and deputies to receive as full compensation fixed annual salaries payable quarterly from county treasury. (Ida. XVIII 7.)
Compensation provided for in constitution to apply only to those officers hereafter elected. (Ill. X 11.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Compensation (*Cont'd*)

Outside of Cook county, county board to fix compensation, and in all cases where fees are provided for, compensation to be paid out of and not to exceed fees actually collected. Compensation from $1,500 in counties not exceeding 20,000 to $4,000 in counties exceeding 100,000 and not exceeding 250,000, and not more than $1,000 for each additional 100,000, and not to be increased or diminished during term. (Ill. X 10.)

Local or special laws regulating, prohibited. (Ind. IV 22; Minn. IV 33.)

Not to be changed after election or during term. (Ky. 161; Wash. XI 8.)

Board of supervisors to have exclusive power to fix salaries of all county officers not otherwise provided for by law. (Mich. VIII 9.)

Compensation of executive or ministerial officers, exclusive of salaries actually paid to necessary deputies, not to exceed $10,000 annually. (Mo. IX 13.)

Legislature to classify counties and fix salaries at first session after adoption of constitution. Officers not to receive for own use fees or emoluments other than salary fixed by law. (N.M. X 1.)

Until otherwise provided by law and when not otherwise provided by constitution, compensation to continue as provided by laws of territory for "like named officers". (Okla. Sched. 18.)

All officers to be paid by salary in counties of over 150,000; and salaries of officers and clerks, which prior to constitution were paid by fees, not to exceed aggregate of fees earned during their term and collected by or for them. (Pa. XIV 5.)

Local or special legislation fixing amount or manner of compensation forbidden except that laws may be made so as to grade compensation in proportion to population and necessary service required. (S.C. III 34.)

Officers except constables to be paid fixed and definite salaries. (Utah XXI 1.)

Legislature to fix salary except for public administrators, surveyors and coroners who may or may not be salaried officers. (Wash. XI 8.)

Legislature to regulate compensation (for officers other than those mentioned in the constitution) in proportion to duties and for that purpose may classify counties according to population. (Wash. XI 5.)

Legislature to provide for compensation. (W.Va. IX 6.)

To be paid "fixed and definite salaries"; legislature to fix, if not fixed by constitution, and to be "in proportion to the value of the services rendered and the duty performed"; does not apply to justices of peace and constables in precincts of less than 1,500 population. (Wyo. XIV 1.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Corrupt Practices, *See below, this title,* CORRUPT PRACTICES.

Creation of Office

Local or special legislation creating offices, forbidden. (Cal. IV 25; Ida. III 19; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; Wyo. III 27.)

Legislature to provide by general and uniform laws for election or appointment of other county officers (in addition to boards of supervisors, sheriffs and county clerks) as public convenience requires. (Cal. XI 5.)

Legislature to provide for election or appointment of such other officers than those mentioned in constitution as public convenience requires. Their terms to be prescribed by law but not to exceed two years. (Colo. XIV 12.)

Legislature authorized to create additional statutory offices in specified new counties created by amendment and to provide by law for filling such offices. (Ga. XI Sec. I 2.)

Legislature not to establish any offices except those mentioned in the constitution. (Ida. XVIII 6.)

Such officers as may be necessary other than those mentioned in constitution, to be elected or appointed as prescribed by law. (Ind. VI 3; N.D. X 173; Ore. VI 7.)

Legislature to provide for such officers as may be necessary. (Kan. IX 2; Minn. XI 4; Nebr. X 4; Ohio X 1; Wyo. XII 5.)

Legislature to provide for election or appointment of such ministerial or executive officers as may be necessary other than those mentioned by constitution. (Ky. 107.)

Except as otherwise provided by constitution legislature to provide for election or appointment of such officers as public convenience may require. (Mo. IX 14.)

Legislature may provide for election or appointment of such officers other than those mentioned in constitution as public convenience may require. (Mont. XVI 6.)

There shall be such officers (in addition to specified list) as may be established by law. (Pa. XIV 1.)

Legislature to provide by general law for such as may be necessary. (S.D. IX 6.)

Deputies and Assistants

Legislature to provide by general laws for appointment of deputies and assistants. (W.Va. IX 6.)

Legislature to provide by general laws for such deputies and assistants as public necessities may require, and fix their compensation. (Wyo. XIV 4.)

Election

See ELECTIONS.

See below, this subdivision, SELECTION.

For special provisions as to votes of soldiers absent from state, See ELECTIONS — ABSENT ELECTORS.

For provisions as to registration of voters, See ELECTIONS.

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Expenses

Actual and necessary expenses incurred by county officers or deputies in performance of official duties to be legal charge against county and may be retained out of fees. (Ida. XVIII 7.)

Outside of Cook county, county board to fix amount of necessary clerical hire, stationery, fuel and other expenses. (Ill. X 10.)

Fees

See also above, this subdivision, ACCOUNTING FOR PUBLIC FUNDS.

See also above, this subdivision, COMPENSATION.

Sums in excess of amount authorized for compensation to officers to be paid into county treasury as directed by "appropriate legislation". (Ark. XIX 23.)

Officers not to receive fees for their own use. (Ariz. XXII 17.)

Legislature to establish fees to be collected by such other county officers as public convenience requires (in addition to the board of supervisors, sheriff and county clerk) for services performed, "in the manner and for the uses provided by law, and for this purpose may classify the counties by population". (Cal. XI 5.)

Fees, perquisites and emoluments in excess of the amounts allowed for salaries of officers to be paid into county treasury. (Colo. XIV 15.)

Excess over actual and necessary expenses to be turned over to county treasurer at end of each quarter. (Ida. XVIII 7.)

Fees to be uniform for each class of county officers in the class of county to which they respectively belong. (Ill. X 11.)

All fees in excess of compensation paid therefrom to be paid into county treasury. (Ill. X 10.)

Those established by special laws to cease at adoption constitution and only those provided by general laws to be thereafter received; all laws fixing fees to terminate within time fixed after adoption constitution, and legislature shall by general law, uniform in its operation, provide for and regulate such fees "so as to reduce the same to a reasonable compensation for services actually rendered"; legislature may, by general law, classify counties by population into not more than three classes and regulate fees according to class. (Ill. X 11, 12.)

Constitution not to be construed to deprive legislature of power to reduce fees of officers. (Ill. X 12.)

To be regulated by law. (Ky. 106.)

Local or special legislation fixing or relating to fees forbidden. (Minn. IV 33.)

Legislature "by a law uniform in its operation" to provide for and regulate fees of all county officers, and for this purpose may classify counties by population. (Mo. IX 12.)

Officers not to receive for their own use fees or emoluments other than salary fixed by law. (N.M. X 1.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Fees (*Cont'd*)

To be collected and paid into county treasury. (N.M. X 1.)

Officers paid by salary to pay fees to state or county treasurer as directed by law. (Pa. XIV 5.)

Fees of Philadelphia prothonotary to be paid, except those due state, into county treasury. (Pa. V 7.)

Fees of magistrates' courts in Philadelphia to be paid into county treasury. (Pa. V 13.)

Officers to be required by law to pay fees into proper treasury and to be responsible under bond for them. (Utah XXI 2.)

Officers to be required by law to pay fees into proper treasury and to be responsible under bond for neglect to collect. (Wyo. XIV 2.)

Impeachment

See below, this subdivision, REMOVAL.

See IMPEACHMENT.

Oath of Office

Before entering on duties, officer to take and subscribe oath in form and content given in constitution. (Ark. XIX 20.)

Oath in form prescribed to be taken before entering upon duties; to be administered by county clerk; false swearing or violation of oath to constitute perjury and to disqualify from holding office of trust or profit within state. (Okla. XV 1, 2.)

Required to take and subscribe oath in form prescribed. Administered by person authorized to administer oaths and filed in prothohotary's office. False swearing or affirming in violation of, shall be perjury and conviction to disqualify forever from holding any office of trust or profit within the state. (Pa. VII 1.)

Place of Office

To keep office at such place in county as required by law. (Ark. XIX 4; Ind. VI 6; Ky. 234; Ore. VI 8; Tex. XVI 14.)

To keep office at county seat. (Fla. XVI 4; Mont. XIX 6; Nev. XV 7.)

Powers and Duties

Special and local legislation prescribing powers and duties forbidden. (Cal. IV 25; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; Wyo. III 27.)

Legislature to prescribe by general and uniform laws for powers and duties of such other county officers (in addition to board of supervisors, sheriff and county clerk) as public convenience requires. (Cal. XI 5.)

Legislature may provide by general laws for performance by county officers of certain municipal functions of incorporated towns when majority of electors of such towns voting at general or special election so determine. (Cal. XI 6.)

Legislature to provide for powers and duties in case of officers not otherwise provided for by the constitution. (Fla. III 27.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Powers and Duties (*Cont'd*)

To be prescribed by law. (Ida. XVIII 11; Ind. VI 6; N.D. X 173; Ore. VI 8; S.D. IX 6; W.Va. IX 6.)

Special and local legislation prescribing powers and duties of officers forbidden. (Ida. III 19.)

Legislature may confer on "boards doing county business in the several counties, powers of a local administrative character". (Ind. VI 10.)

Except as otherwise provided by constitution powers and duties to be as prescribed by law. (Mo. IX 14.)

Until otherwise provided by law and when not otherwise provided by constitution, powers and duties to continue as provided by laws of territory for "like named officers". (Okla. Sched. 18.)

Duties to be prescribed by legislature (other than those mentioned in constitution). (Wash. XI 5.)

Qualifications and Disqualifications

See also above, this subdivision, ACCOUNTING FOR PUBLIC FUNDS.

See also below, this title, CORRUPT PRACTICES.

In General

No person eligible to any county office unless he be qualified elector nor unless he has resided in county one year preceding election. (Colo. XIV 10.)

No person to be elected or appointed to "office within a county" unless he has right to vote for member lower house of legislature and has been resident in county one year next preceding election or appointment, unless otherwise provided in constitution. (Del. III 11.)

Not to be eligible unless resident of county for two years and a qualified voter. (Ga. XI Sec. II 1.)

Elector of the county and inhabitant thereof during one year preceding election or appointment, or if county not organized for one year then an inhabitant within the limits of the county or counties out of which the new county was erected. (Ind. VI 4.)

Must be citizen of state and be qualified elector of state, and parish wherein functions of office to be performed; change of residence from place thus required to vacate office "any declaration of retention of domicile to the contrary notwithstanding". (La. 210.)

To be residents of the political subdivision for which elected or appointed. (N.M. V 13.)

Until otherwise provided by law and when not otherwise provided by constitution, qualifications to continue as provided by laws of territory for "like named officers". (Okla. Sched. 18.)

False swearing in or violation of oath of office disqualifies person from holding any office of trust or profit within state. (Okla. XV 12; Pa. VII 1.)

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COUNTIES (*Cont'd*)
OFFICERS (*Cont'd*)
Qualifications and Disqualifications (*Cont'd*)
In General (*Cont'd*)
Elector of county (at time of election). (Ore. VI 8.)
Citizen or inhabitant of county one year before appointment; or if county established less than one year then citizen or inhabitant within the limits of the counties out of which the new county was formed. (Pa. XIV 3.)
No election officer to be eligible to any office filled at election at which he serves, except "such subordinate, municipal or local officers below the grade of city or county officers as shall be designated by law". (Pa. VIII 15.)
To be electors of counties in which elected. (S.D. IX 7; W.Va. IV 4.)
Every person qualified to vote to be eligible to office in the county where he resides except as otherwise provided in the constitution and except that this does not apply, as to residence, to office elective by people where law provides otherwise. (Va. II 32.)
Commissioners of county court to judge of qualifications of their own members and of all county and district officers, subject to regulations by appeal or otherwise as provided by law. (W.Va. VIII 24.)
Dual Office Holding
Not eligible to serve as election officer. (Ark. III 10.)
County school officers and commissioners of deeds may be elected or appointed to any legislative, executive or judicial office. (Fla. XVI 15.)
No state officer or deputy or member of legislature to be officer of county; but notary public or officer of militia not to be ineligible. (Ky. 165.)
Not eligible to hold seat in legislature; except officers elected by townships. (Mich. V 6.)
In cities or counties having more than 200,000 inhabitants no person to be at same time state officer and officer of county, city or other municipality, and no person at the same time to fill two municipal offices either in the same or different municipalities, but this does not apply to notaries, justices or officers of militia. (Mo. IX 18.)
Person holding office of trust or profit under county not eligible to legislature. (N.M. IV 3.)
No person holding "office, appointment or employment" in or under "any city or county board, commission, or trust" therein (except justices of the peace and aldermen) to be qualified to serve as election officer until two months after expiration of such office or appointment. (Pa. VIII 15.)
Persons holding elective office of trust or profit not to be appointed to election office. (Va. II 31.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Removal

See also below, this subdivision, VACANCY IN OFFICE — WHAT CONSTITUTES.

All other county officers (in addition to the tax collector, tax assessor, treasurer, superintendent of education, coroners and constables) may be removed by circuit or other court of like jurisdiction or criminal court of county in which such officers hold office as prescribed by law, provided that right to jury trial and appeal be secured. Grounds for removal: "Wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office or committed under color thereof or connected therewith." Penalty not to extend beyond removal and disqualification from holding office under authority of state for the term for which such officer was elected or appointed, but accused to be liable to indictment or punishment as described by law. (Ala. VII 173, 175, 176.)

Circuit court to have jurisdiction "upon information, presentation or indictment to remove any county * * * officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance or non-feasance in office". (Ark. VII 27.)

To be removed on conviction for malpractice in office. (Ga. XI Sec. II 1.)

May be impeached or removed in manner prescribed by law. (Ind. VI 8.)

In such manner and for such cause as prescribed by law. (Kan. IX 5; Ohio X 6.)

District court of domicile of officer (in parish of Orleans civil district court) may remove for high crimes and misdemeanors, non-feasance or malfeasance in office, for incompetency, corruption, favoritism, extortion or oppression in office, or for gross misconduct or habitual drunkenness. (La. 222, 217.)

The district attorney may institute suit and shall institute such suit on written request of 25 resident citizens and taxpayers who may enforce request by mandamus; all parties, including petitioning taxpayers, authorized to appeal; if officer acquitted petitioning citizens liable to cost; detailed provisions for preference on appeal; pending suit not to operate as suspension of accused officer. (La. 222.)

Legislature may authorize governor to remove under regulations prescribed by law. (Miss. V 139.)

Legislature to provide in addition to other penalties for removal of on conviction of willful, corrupt or fraudulent violation or neglect of official duty. (Mo. XIV 7.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Removal (*Cont'd*)

May be removed by judges of district court for incompetency, official misconduct, habitual drunkenness or other causes defined by law on written statement of cause "and the finding of its truth by a jury". (Tex. V 24.)

Subject to indictment for malfeasance, misfeasance or neglect of official duty, and conviction therefor renders office vacant. (W.Va. IX 4.)

Governor may remove on giving copy of charges and opportunity to be heard. (Does not apply to judicial officers.) Wis. VI 4.)

Residence

To reside in county. (Ark. XIX 4; Ind. VI 6; Ky. 234; Tex. XVI 14.)

Not to hold office to which elected or appointed longer than he continues to reside in county, unless otherwise provided by constitution. (Del. III 11.)

Rotation in Office

Serving two consecutive terms in county office to render ineligible to hold "any county office" for two years thereafter. (N.M. X 2.)

No county officer "eligible to hold his office more than two terms in succession". (Wash. XI 7.)

Selection

To be elected by qualified voters of each county. (Ark. VII 46.)

Local or special laws regulating election, prohibited. (Cal. IV 25; Ida. III 19; Ind. IV 22; Nev. IV 20.)

Legislature to provide by general and uniform laws for election or appointment of such other county officers (in addition to boards of supervisors, sheriffs and county clerks) as public convenience requires. (Cal. XI 5.)

Legislature to provide for election or appointment of such other than those mentioned in constitution as public convenience requires. Their term to be prescribed by law but not to exceed two years. (Colo. XIV 12.)

Legislature to provide for election by people or appointment by governor of those not otherwise provided for by constitution. (Fla. III 27.)

To be elected by qualified voters of respective counties or districts. (Ga. XI Sec. II 1.)

Legislature authorized to provide for filling offices created by law. (Ga. XI Sec. I 2.)

Such officers as may be necessary other than those mentioned in constitution to be elected or appointed as prescribed by law. (Ind. VI 3; N.D. X 173; Ore. VI 7.)

Officers to be elected or appointed in such way as legislature prescribes. (Applies to new counties.) (Ky. 102.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Selection (*Cont'd*)

Legislature to provide for election or appointment of such ministerial or executive officers as may be necessary other than those mentioned by constitution. (Ky. 107.)

Local or special legislation regulating the mode of election or appointment forbidden. (Minn. IV 33.)

"All other officers exercising local jurisdiction" in counties to be selected in manner provided by law. (In addition to coroner, treasurer, assessor, surveyor, clerk of court, members of board of supervisors.) (Miss. V 138.)

Except as otherwise provided by constitution legislature to provide for election or appointment of such officers as public convenience may require. (Mo. IX 14.)

Legislature may provide for election or appointment of such officers other than those mentioned in constitution as public convenience may require. (Mont. XVI 6.)

If not provided for by constitution officers shall be elected by county electors or appointed by board of supervisors or other county authorities as legislature directs. (N.Y. X 2.)

To be elected by county electors in manner provided by law. (Ohio X 2.)

Offices created by legislature not to be filled otherwise than by the "people or the county court". (Tenn. XI 17.)

Legislature to provide by general and uniform laws for the election of such officers (in addition to boards of county commissioners, sheriff, county clerk, treasurer, prosecuting attorney) as public convenience may require. (Wash. XI 5.)

Vote of any "county * * * body" on elections to any office to be *viva voce* and entered on journals. (W.Va. VI 44.)

To be elected by county electors. (Does not include judicial officers.) (Wis. VI 4.)

When election or appointment not provided for by constitution officers shall be elected by the electors of the respective counties or appointed by boards of supervisors or other county authorities as legislature directs. (Wis. XIII 9.)

Term

Two years. (Ariz. VII 11; Minn. VII 9; N.M. X 2; Wash. VI 8; Wis. XIII 1.)

Not to be extended beyond period for which elected or appointed. (Cal. XI 9; Ky. 161; Mo. XIV 8; Wash. XI 8.)

Unless otherwise provided in the constitution term begins first Tuesday in January next after election. (Del. Sched. 8.)

Unless otherwise provided term begins first Tuesday after first Monday January after election. (Fla. XVIII 14.)

To continue in office until successors duly qualified. (Fla. XVI 14.)

Two years till January 1, 1917; then four years. (Ga. XI Sec. II 1.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Term (*Cont'd*)

Two years and until successors are qualified; except specified county commissioners. (Kan. IV 2.)

Legislature authorized to provide for election or appointment of "ministerial or executive officers" other than those mentioned in the constitution for terms not exceeding four years. (Ky. 107.)

In New Orleans parochial officers to begin term first Monday in December following election until otherwise provided by law. (La. 207.)

Terms begin January 1st, after election except as otherwise provided by law. (Mich. XVI 1.)

Except as otherwise provided by constitution term to be as prescribed by law but not to exceed four years. (Mo. IX 14.)

Term to be prescribed by law but not to exceed two years except as otherwise provided by the constitution. (Mont. XVI 6.)

Term begins first Thursday after first Tuesday in January next succeeding election. (Nebr. XVI 14.)

Term begins January 1st next after election; except those elected to fill vacancies. (N.M. XX 3.)

In New York, Kings and counties coterminous with cities, terms end at end of odd numbered year. (N.Y. XII 3.)

As provided by law not exceeding three years. (Ohio X 2.)

Such even number of years not exceeding four as may be prescribed by legislature. (Ohio XVII 2.)

Until otherwise provided by law and when not otherwise provided by constitution term to continue as provided by laws of territory for "like named officers". (Okla. Sched. 18.)

Four years, beginning first Monday in January after election and until successors qualify. (Pa. XIV 2.)

To begin January first next succeeding election; continue for four years except county clerk who shall hold office for eight years. (Va. VII 112.)

Terms to be fixed by legislature (other than those mentioned in constitution). (Wash. XI 5.)

Two years. (Does not apply to judicial officers.) (Wis. VI 4.)

In case of officers elected at general election term begins first Monday of January following election "or as soon thereafter as may be possible". (Wyo. VI Elections 5.)

Vacancies

How Filled

In any office other than county commissioner or in any precinct office, board of commissioners to fill by appointment and person appointed to hold until next general election or until vacancy filled by election according to law. (Colo. XIV 9.)

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COUNTIES (*Cont'd*)

OFFICERS (*Cont'd*)

Vacancies (*Cont'd*)

How Filled (*Cont'd*)

To be filled in manner prescribed by law. (Ind. VI 9; Ore. VI 9.)

Legislature may authorize governor to appoint under regulations prescribed by law. (Miss. V 139.)

Except in office of county commissioner, to be filled by appointment by board of county commissioners; appointee to hold till next general election. (Mont. XVI 5.)

When not otherwise provided for, to be filled as provided by law. (Pa. XIV 2.)

Board of county commissioners to fill by appointment and appointees to hold until next general election and until successors qualify. (Wash. XI 6.)

Filled by appointment and appointee to hold for unexpired portion of term and until successor qualifies. (Wis. VI 4.)

What Constitutes

Failure to give bond and qualify within 60 days after election renders office vacant. (Fla. VIII 7.)

Acceptance of free pass or reduced rates from common carriers involves forfeiture of office. (Ky. 197.)

Change of residence from place required as qualification for office renders office vacant. (La. 210.)

Acceptance of free or discounted passes or tickets from railroad or other transportation company to work forfeiture of office. (Mo. XII 24.)

Refusal to take oath of office forfeits office. (Okla. XV 1, 2; Pa. VII 1.)

Failure to reside in county of which he is an officer and keep office at such place as required by law renders office vacant. (Tex. XVI 14.)

Failure to give additional security or to execute new bond when required by law, office to be declared vacant. (Va. VII 113.)

Conviction for malfeasance, misfeasance or neglect of official duty renders office vacant. (W.Va. IX 4.)

MISCELLANEOUS OFFICERS

Aldermen, *See* COURTS — JUSTICES OF PEACE.

Elisor

Elisors may be appointed for each county and the city of Baltimore in the manner, for the purpose and with the powers now fixed, or which may hereafter be prescribed by law. (Md. IV Pt. VII 45.)

High Bailiff

Elected by freemen of their respective counties biennially on first Tuesday after first Monday in November. (Vt. Ch. 2 Sec. 35, 45.)

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COUNTIES (*Cont'd*)

MISCELLANEOUS OFFICERS (*Cont'd*)

High Bailiff (*Cont'd*)

To give security to county treasurer in manner and sums provided by legislature before entering upon duties. (Vt. Ch. 2 Sec. 25.)

Inspector or Measurer

County may appoint officers for inspection or measuring of merchandise, manufactures or commodities when authorized by law. (Ala. IV 77; Pa. III 27.)

Jailer

To be elected in each county; but legislature may consolidate in counties where it is deemed expedient with office of sheriff and latter to perform duties of both offices. (Ky. 99, 105.)

Before entering on duties and as often as may be deemed proper, shall give bond and security prescribed by law. (Ky. 103.)

In counties having population of 75,000 or more to be paid out of state treasury salary fixed by law; but salary of jailer and his deputies and necessary office expenses not to exceed 75 per cent. of fees collected by him and paid into treasury. (Ky. 106.)

Must be 24 years of age at time of election; citizen of Kentucky; resident of state two years and in county or district in which he is candidate one year next preceding the election. (Ky. 100.)

Term to commence January 1st next after election and to continue for four years, and until successor qualifies. (Ky. 99.)

Subject to indictment for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law; conviction to vacate office; but officer to have right to appeal to court of appeals. (Ky. 227.)

Liner

Private, local or special legislation "declaring who shall be liners between precincts or between counties" forbidden. (Ala. IV 104.)

Marshal

In counties having population of 75,000 or more, marshal to be paid out of state treasury by salary fixed by law, but salary of such officer and his deputies and necessary office expenses not to exceed 75 per cent. of fees collected by him and paid into the treasury. (Ky. 106.)

Ordinary

Term four years and until successor qualifies. (Ga. VI Sec. VI 3.)

President of County Court

Commissioners of county court to elect one of their number as president. (W.Va. VIII 23.)

To be conservator of peace throughout county. (W.Va. IX 7.)

Subject to indictment for malfeasance, misfeasance or neglect of official duty, and conviction therefor renders office vacant. (W.Va. IX 4.)

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COUNTIES (*Cont'd*)

MISCELLANEOUS OFFICERS (*Cont'd*)

Ranger

To be elected in each county by justices of the peace. (Tenn. VII 1.)

Term two years. (Tenn. VII 1.)

May be removed for malfeasance or neglect of duty in manner prescribed by law. (Tenn. VII 1.)

Commissioners of Revenue

To be elected by qualified voters of each county for four years; number, duties and compensation to be prescribed by law. (Va. VII 110.)

Not to hold office of county treasurer, sheriff, attorney for the commonwealth, county clerk, superintendent of poor, county surveyor or supervisor. (Va. VII 113.)

Not to be member of legislature, and qualification as such member to vacate office. (Va. IV 44.)

Road Commissioner

Legislature may provide for appointment or election of, with powers and duties as prescribed by law. (Mich. VIII 26.)

Commissioner of Roads and Revenues

Legislature may provide for appointment in any county. (Ga. XI Sec. III 1.)

Sergeant

Not to be a member of legislature, and qualification as such member to vacate office. (Va. IV 44.)

Overseer of Poor

To be appointed by county court. (W.Va. IX 2.)

Superintendent of Poor

One to be appointed in each county in manner provided by law. (Va. VII 110.)

Not to hold office of county treasurer, sheriff, attorney for commonwealth, county clerk, commissioner of revenue, county surveyor or supervisor. (Va. VII 113.)

Superintendent of Roads

Office created. To be elected by qualified electors in each organized county subject to change by law. Term two years. (Ariz. XII 3.)

Qualifications and powers and duties to be as prescribed by law. (Ariz. XII 4.)

Trustee

One to be elected in each county by qualified voters. (Tenn. VII 1.)

Term two years. (Tenn. VII 1.)

Vacancy occurring subsequent to an election to be filled by justices until successor, elected by qualified electors at the first election for any county officers, qualifies. (Tenn. VII 2.)

Wreck Master

Qualified voters of specified county (Worcester) to elect first Tuesday after first Monday November, 1867, and every two

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COUNTIES (*Cont'd*)

MISCELLANEOUS OFFICERS (*Cont'd*)

Wreck Master (*Cont'd*)

years; term to begin first Monday January, thereafter, with duties and compensation provided by law; vacancy to be filled by county commissioners for balance of term. (Md. VII 6.)

ASSESSOR

In General

Office created in each organized county, subject to change by law. (Ariz. XII 3.)

To be commissioned by governor. (Ark. VII 46, 48.)

"No per centum shall ever be paid to assessors upon the valuation or assessment of property by them." (Ark. VII 46.)

Legislature may abolish office and provide for assessment of property by other officers or re-establish such office and prescribe its duties. (Ky. 99, 104.)

Special or local legislation granting "indulgence or discharge" to assessor or his sureties, forbidden. (Ky. 59.)

Seven assessors in the city of New Orleans to compose board of assessors for the parish of Orleans. (La. 309.)

Compensation

To be paid such salary or compensation either from fees, perquisites and emoluments of his office, or from general county fund, as provided by law. This section to govern, unless otherwise expressly provided by constitution. (Colo. XIV 8.)

Compensation to be prescribed by law. (Fla. VIII 6.)

Constitution classifies counties into those having assessed valuation not exceeding $2,000,000, and those having more than $2,000,000 and not exceeding $5,000,000, and those having more than $5,000,000; and fixes definite limits of salaries for each class, leaving exact salary to legislature. These provisions to apply to any officer of county performing duties usually performed by those named regardless of title to their offices. (Wyo. XIV 3, 5.)

Corrupt Practices

Not to hold or use during term any free pass and not to accept any transportation for himself or his family on terms not open to general public; punishment for violation prescribed. (N.M. XX 14.)

Deputies and Assistants

Legislature to authorize county commissioners to appoint assistants when deemed necessary for assessment purposes for each tax district into which commissioners divide county. Compensation and powers and duties to be prescribed by law. (Fla. VIII 7.)

When authorized by county commissioners the county assessor may appoint such deputies and assistants as the duties of his office require at compensation fixed by the county commissioners. (Ida. XVIII 6.)

Assessor may appoint one or more assistants with consent of "county court". (W.Va. IX 2.)

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COUNTIES (*Cont'd*)

ASSESSOR (*Cont'd*)

Election

To be elected by qualified electors in each organized county subject to change by law. (Ariz. XII 3.)

To be elected by qualified electors of each county. (Ark. VII 46.)

To be elected in each county at the election for members of legislature. This section to govern except as otherwise expressly provided by constitution. (Colo. XIV 8.)

Legislature to provide for election by qualified electors in each county. (Fla. VIII 6.)

Legislature to provide by general and uniform laws for election biennally in each county. (Ida. XVIII 6.)

To be elected in each county. (Ky. 99, 104.)

One shall be elected from each municipal district in the city of New Orleans at the election for parochial officers of the city of New Orleans and the parish of Orleans. (La. 309.)

To be selected in each county in manner provided by law for each county. (Miss. V 135, 138.)

To be elected by qualified voters in each county at same time and under same law regulating election state and county officers. (Tex. VIII 14.)

Voters of each county to elect one and not more than two. (W.Va. IX 1, 2.)

Indictment

Subject to for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law; conviction to vacate office; but officer to have right to appeal to court of appeals. (Ky. 227.)

Powers and Duties

To be as prescribed by law. (Ariz. XII 4; Ark. VII 46; Fla. VIII 6.)

Tax assessors not to be relieved from performance of official duties by local or special law. (Ky. 59; La. 48; Mo. IV 53; Okla. V 46; Tex. III 5, 6.)

Qualifications and Disqualifications

To be as prescribed by law. (Ariz. XII 4.)

Twenty-four years of age at time of election; citizen of Kentucky; resident of state two years and in county or district in which he is candidate one year next preceding election. (Ky. 100.)

Shall be resident of the district from which elected. (La. 309.)

Not to be member of legislature, and qualification as such member to vacate office. (Va. IV 44.)

Removal

May be removed by circuit or other court of like jurisdiction or criminal court of county in which such officer holds office as prescribed by law, provided that right to jury trial and appeal be secured. Grounds for removal: "Wilful neglect of duty

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COUNTIES (*Cont'd*)

ASSESSOR (*Cont'd*)

Removal (*Cont'd*)

corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office or committed under color thereof or connected therewith". Penalty not to extend beyond removal and disqualification from holding office under authority of state for the term for which such officer was elected or appointed, but accused to be liable to indictment or punishment as prescribed by law. (Ala. VII 173, 175, 176.)

Residence

To reside in county for which elected. (W.Va. IX 1, 2.)

Rotation in Office

Not eligible for two successive terms. (Ky. 104.)

Term

Two years. (Ariz. XII 3; Ark. VII 46.)

Four years. (Fla. VIII 6; La. 309; W.Va. IX 1, 2.)

To commence January 1st next after election and to continue for four years, and until successor qualifies. (Ky. 99.)

Term four years and unless removed until successor duly qualified to enter on discharge of duties. (Miss. V 135, 136.)

Two years and until successor qualifies. (Mont. XVI 5; Tex. VIII 14.)

Vacancies

To be filled by special election but in case of vacancy occurring six months before next general election governor to fill by appointment. (Ark. VII 50.)

Conviction for misfeasance or malfeasance in office or wilful neglect of duties renders office vacant. (Ky. 227.)

AUDITOR

In General

Recorder elected in each county to be *ex officio* auditor. (Fla. V 15.)

Clerk of district court to be *ex officio* auditor and recorder of county. (Ida. XVIII 6.)

Legislature to have power to "increase, diminish, consolidate or abolish the following county officers" (including county auditor). (Nev. IV 32.)

Compensation

Legislature to fix by law. (Nev. IV 32.)

Deputies and Assistants

When authorized by county commissioners the auditor may appoint such deputies and assistants as the duties of his office require at compensation fixed by the county commissioners. (Clerk of district court is *ex officio* auditor and recorder.) (Ida. XVIII 6.)

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COUNTIES (*Cont'd*)

AUDITOR (*Cont'd*)

Election

Voters of each county to elect at time of holding general election. (Ind. VI 2.)

Legislature to provide for election by the people. (Nev. IV 32.)

To be elected in each organized county. (N.D. X 173.)

Three to be elected in 1911 and every fourth year thereafter, by qualified electors. Each elector votes for two and three having highest vote elected. (Pa. XIV 7.)

To be elected in each organized county every two years. (S.D. IX 5.)

Powers and Duties

Counties of less than 1,000 "polls" may confer on auditor office of clerk or recorder. (Ind. II 9.)

Legislature to fix by law. (Nev. IV 32.)

In counties which have auditor or other fiscal officer authorized to audit bills, accounts, charges, claims or demands against county, legislature may confer upon such officers such powers as it deems expedient. (N.Y. III 27.)

Qualifications and Disqualifications

Auditor (if one for county) ineligible to seat in legislature. (Ark. V 7.)

Counties of less than 1,000 "polls" may confer on auditor office of clerk or recorder. (Ind. II 9.)

To be elector of county in which elected. (N.D. X 173.)

Rotation in Office

Not eligible more than eight years in any 12. (Ind. VI 2.)

Not to be eligible for more than four years in succession. (S.D. IX 5.)

Term

Four years. (Ind. VI 2.)

Two years and until successor qualifies. (N.D. X 173.)

Two years. (S.D. IX 5.)

Vacancies

Vacancy to be filled by courts of common pleas from among electors who voted for the auditor whose place is to be filled. (Pa. XIV 7.)

CLERK

In General

Board of supervisors may unite office of county clerk with office of register of deeds or separate therefrom at pleasure. (Mich. VIII 3.)

Legislature to have power to "increase, diminish, consolidate or abolish the following county officers" (including county clerk). (Nev. IV 32.)

Office of county clerk created for each organized county. (Okla. XVII 2.)

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COUNTIES (*Cont'd*)
CLERK (*Cont'd*)
In General (*Cont'd*)
To procure seal inscribed with style of office and name of county. Seal to be used for all lawful purposes until otherwise provided by law. Signature sufficient without seal until seal is secured. (Okla. Sched. 22.)
To be one of county officers. (Pa. XIV 1.)
Accounting for Public Funds
Legislature to provide for strict accountability as to fees collected and all public moneys paid to or which officially come into possession of clerk. (Wash. XI 5.)
Appointment
Legislature to provide by general and uniform laws for election or appointment in the several counties. (Cal. XI 5.)
Compensation
Legislature to regulate "in proportion to duties". (Cal. XI 5.)
To be paid such salary or compensation either from fees, perquisites and emoluments of his office, or from general county fund, as provided by law. This section to govern unless otherwise expressly provided by constitution. (Colo. XIV 8.)
Legislature to fix by law. (Nev. IV 32; W.Va. VIII 26.)
Legislature to regulate compensation in proportion to duties and for that purpose may classify counties according to population. (Wash. XI 5.)
Constitution classifies counties into those having assessed valuation not exceeding $2,000,000, those having more than $2,000,000 and not exceeding $5,000,000, and those having more than $5,000,000, and fixes definite limits of salaries for each class, leaving exact salary to legislature. These provisions to apply to any officer of county performing duties usually performed by those named regardless of title to their offices. (Wyo. XIV 3, 5.)
Election
To be elected by qualified electors of counties having population exceeding 15,000 by last federal census. (Ark. VII 19.)
Legislature to provide by general and uniform laws for election or appointment in the several counties. (Cal. XI 5.)
To be elected in each county at the election for members of legislature. This section to govern except as otherwise expressly provided by constitution. (Colo. XIV 8.)
To be elected in each county at general election Tuesday after first Monday in November, 1882, and every four years following. (Ill. X 8.)
To be elected biennially in each organized county. (Mich. VIII 3.)
To be selected in manner provided by law. (Miss. V 138.)
Legislature to provide for election by the people. (Nev. IV 32.)

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COUNTIES (*Cont'd*)

CLERK (*Cont'd*)

Election (*Cont'd*)

Elected by "people" of county at election for legislature. (N.J. VII 2, 6.)

To be elected in each county unless otherwise provided by law. (N.M. VI 22.)

To be elected by county electors. (N.Y. X 1.)

Voters of each county to elect at time of holding general election. (Ore. VI 6.)

To be elected in each county by qualified voters. (Tex. V 20; Va. VII 110; W.Va. VIII 26.)

In counties having population less than 8,000 one clerk may be elected having duties of both district and county clerks. (Tex. V 20.)

Legislature to provide by general and uniform laws for election in each county. (Wash. XI 5.)

Fees

Legislature to establish fees to be collected for services performed "in the manner and for the uses provided by law, and for this purpose may classify the counties by population". (Cal. XI 5.)

Fees and perquisites to be as provided by law. (Tex. V 20.)

Indictment

Subject to indictment for malfeasance, misfeasance or neglect of official duty and conviction therefor renders office vacant. (Clerk of county court.) (W.Va. IX 4.)

Place of Office

To hold office at county seat. (Mich. VIII 4.)

Powers and Duties

To be *ex officio* clerk of probate court of county. (Ark. VII 19.)

Legislature to prescribe by general and uniform laws. (Cal. XI 5.)

To be *ex officio* clerks of courts of record for their respective counties or cities and counties. (Cal. VI 14.)

To be *ex officio* recorder of deeds and clerk of board of county commissioners. This section to govern except as otherwise expressly provided by constitution. (Colo. XIV 8.)

Counties of less than 1,000 "polls" may confer office of recorder or auditor on clerk. (Ind. II 9.)

In counties "organized for judicial purposes", to be clerk of circuit court for county. (Mich. VII 11.)

To be prescribed by law. (Mich. VIII 3; Wash. XI 5; W.Va. VIII 26.)

Shall be clerk of county commissioners and *ex officio* recorder. (Mont. XVI 5.)

To be *ex officio* clerks of courts of record and of boards of county commissioners for their counties. Other duties to be prescribed by law. (Nev. IV 32.)

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COUNTIES (*Cont'd*)
CLERK (*Cont'd*)
Powers and Duties (*Cont'd*)
Shall be clerk of the inferior courts of common pleas and quarter sessions of counties, and perform duties required by law. (N.J. X 11.)
To perform all duties previously performed by clerks of district and probate courts. (N.M. VI 22.)
To be clerk of circuit court with such powers and duties as prescribed by law. (N.Y. VI 19.)
To be clerk of county commissioner's court and recorder, and perform other duties prescribed by law. (Tex. V 20.)
To be clerk of circuit court. (Va. VII 110.)
To have custody of all deeds and papers presented for record in county and same to be preserved or disposed of as prescribed by law. (W.Va. VIII 24.)
Qualifications and Disqualifications
Not to hold office of county treasurer, sheriff, attorney for commonwealth, commissioner of revenue, superintendent of poor, county surveyor or supervisor. (Va. VII 113.)
Removal
Governor may remove on giving copy of charges and opportunity to be heard. (N.Y. X 1.)
Manner of removal to be prescribed by law. (W.Va. VIII 26.)
Term
Two years. (Ark. VII 19; Ore. VI 6; Tex. V 20.)
Legislature to prescribe by general and uniform laws. (Cal. XI 5.)
To commence on first Monday of December after election, and to continue for four years and until successor qualifies. (Ill X 8.)
Two years and until successor qualifies. (Mont. XVI 5.)
Five years. (N.J. VII 2, 6.)
Three years, but may be two or four years as legislature provides in New York, Kings and counties coterminous with cities. (N.Y. X 1.)
Eight years. (Va. VII 112.)
To be fixed by legislature. (Wash. XI 5.)
Six years. (W.Va. VIII 26.)
Vacancies
To be filled by circuit court judges. (Mich. VII 11.)
To be filled by governor until successor elected and qualifies. (N.J. V 12.)
Filled by election by county electors. (N.Y. X 1.)
To be filled by commissioners' court until next general election. (Tex. V 20.)
Vacancy to be filled by county court until next general election. (Clerk of county court.) (W.Va. VIII 30.)
Conviction for malfeasance, misfeasance or neglect of official duty renders office vacant. (Clerk of county court.) (W.Va. IX 4.)

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COUNTIES (*Cont'd*)

TAX COLLECTOR

In General

There shall be one state tax collector for the city of New Orleans. (La. 309.)

Accounting for Public Funds

Special or local legislation granting "indulgence or discharge" to collector or his sureties, forbidden. (Ky. 59.)

Special or local legislation relieving any collector from due performance of his duties or his sureties from liability, forbidden. (La. 48; Mo. IV 53; Okla. V 46; Tex. III 56.)

No law or ordinance to be passed by any political corporation extending time for collection or relieving any collector from due performance of his duties or his sureties from liabilities. (La. 48.)

Not to be discharged until proof made that legal remedies to collect have been exhausted. (La. 120.)

Person who at any time was collector of taxes, whether state, parish or municipal, not to be eligible to legislature or any office of honor, profit or trust under state government, or any parish or municipality until he obtains discharge for amount of such collections; legislature to provide for suspension such officers for failure to account. (La. 182.)

To make annual settlement with county court to be made of record. (County or district school taxes.) (W.Va. XII 7.)

Compensation

To be prescribed by law. (Fla. VIII 6.)

Five thousand dollars per annum, payable monthly. ("State tax collector for the city of New Orleans".) (La. 309.)

Election

Legislature to provide for election by qualified electors in each county. (Fla. VIII 6.)

To be elected in counties having 10,000 inhabitants as determined by last preceding United States census. (Tex. VIII 16.)

Expenses

The general assembly shall appropriate such sum not exceeding $35,000 per year as may be necessary for the payment of clerical expenses, rent, furniture and porterage for the office of "state tax collector for the city of New Orleans"; but such appropriation shall itemize the use for which it is to be made. (La. 309.)

Fees

Fees from delinquent tax debtors and also fees for tax research certificates to be turned over to the state treasurer. ("State tax collector for the city of New Orleans".) (La. 309.)

Other Officer to Serve

Sheriff to be *ex officio* collector of taxes unless otherwise provided by law. (Ark. VII 46.)

County treasurer to be tax collector. This section to govern except as otherwise expressly provided by the constitution. (Colo. XIV 8.)

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COUNTIES (*Cont'd*)

TAX COLLECTOR (*Cont'd*)

Other Officer to Serve (*Cont'd*)

County treasurer to be tax collector. (Ida. XVIII 6; Mont. XVI 5.)

Except in specified parish sheriff to be *ex officio* collector of state, parish and all other taxes except municipal taxes. (La. 119.)

Sheriff to be collector of county taxes, except in counties having 10,000 inhabitants. (Tex. VIII 16.)

Sheriff or other collector as law provides to collect county or district school taxes. (W.Va. XII 7.)

Powers and Duties

To be prescribed by law. (Fla. VIII 6.)

Not to be relieved from performance of official duties by local or special law. (Ky. 59; La. 48; Mo. IV 53; Okla. V 46; Tex. III 5, 6.)

Qualifications and Disqualifications

Not to have seat in legislature. (Collector of public revenue.) (Ill. IV 3.)

Not to be member of legislature, and qualification as such member to vacate his office. (Va. IV 44.)

Removal

May be removed by circuit or other court of like jurisdiction or criminal court of county in which such officer holds office as prescribed by law, provided that right to jury trial and appeal be secured. Grounds for removal: "Wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office or committed under color thereof or connected therewith". Penalty not to extend beyond removal and disqualification from holding office under authority of state for the term for which such officer was elected or appointed, but accused to be liable to indictment or punishment as prescribed by law. (Ala. VII 173, 175, 176.)

Term

Four years. (Fla. VIII 6.)

Four years ("state tax collector for the city of New Orleans"). (La. 309.)

Two years and until successor qualifies. (Tex. VIII 16.)

COMMISSIONERS

In General

Quorum for transaction of business to consist of two where board consists of three; and of three where board consists of five. (Colo. XIV 6.)

Legislature may provide for creation of county commissioners in such counties as require them. (Ga. VI Sec. XIX 1.)

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COUNTIES (*Cont'd*)

COMMISSIONERS (*Cont'd*)

In General (*Cont'd*)

Not to hold or use during term any free pass and not to accept any transportation for himself or his family on terms not open to general public; punishment for violation prescribed. (N.M. XX 14.)

Commissioner not eligible to hold office of justice of peace. (W.Va. VIII 30.)

Accounting for Public Funds

Legislature to provide for accountability as to fees collected and all public moneys paid to or which officially come into their possession. (Wash. XI 5.)

Compensation

To be prescribed by law. (Fla. VIII 5.)

Legislature to regulate compensation in proportion to duties and for that purpose may classify counties according to population. (Wash. XI 5.)

Commissioners to receive $2 per day for services in court, to be paid out of county treasury. (W.Va. VIII 23.)

Number and Election

In counties having less than 70,000, three county commissioners to be elected for terms of four years, elected biennially — two at one time, one at the other. In counties having 70,000 or more population board of county commissioners to consist of five members for terms of four years; to be elected biennially — two at one time and three at another. This section to govern except as otherwise expressly provided by constitution. (Colo. XIV 6.)

One for each of five districts into which each county required to be divided by county commissioners in office at time amendment adopted, each of which to be "as nearly as possible equal in proportion to population"; to be elected by qualified electors of the county at time and place of voting for other county officers. (Fla. VIII 5.)

To consist of three members. (Ida. XVIII 10.)

Legislature to provide by general and uniform laws for election biennially in each county. (Ida. XVIII 6.)

"Board of county commissioners" consisting of three members to be elected in each county not under township organization. (Ill. X 6.)

Board of county commissioners to be elected at first election of county judges under constitution; one for one year; one for two years; one for three years, and thereafter one every year for term of three years. (Ill. X 6.)

Affairs of Cook county to be managed by board of 15, 10 elected in Chicago and five from towns outside of Chicago, in manner provided by law. (Ill. X 7.)

One to be elected from each of three districts by votes of district and legislature to fix time of election at some general election. (Kan. IV 2.)

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COUNTIES (*Cont'd*)
COMMISSIONERS (*Cont'd*)
Number and Election (*Cont'd*)
Number in each county to be as prescribed by law. (Md. VII 1.)
To be elected by qualified voters on general ticket in each county on first Tuesday after first Monday November, beginning 1891; and at such time as prescribed by law. (Md. VII 1.)
Three to be elected in each county for term of six years. One to be elected at each general election. (Mont. XVI 4.)
Legislature to provide by law for election in each county. (Nev. IV 26.)
Five to be elected by qualified voters in each county as provided for election members of legislature; but legislature may modify or abrogate. (N.C. VII 1, 14.)
To consist of not less than three nor more than five members. (N.D. X 172.)
Offices of three county commissioners created for each organized county. (Okla. XVII 2.)
Three to be elected 1911 and every fourth year in those counties where such officers are chosen. (Pa. XIV 7.)
Each qualified elector to vote for two, and the three having the highest vote elected. (Pa. XIV 7.)
County to be divided into four commissioners' precincts; qualified voters of each to elect one county commissioner. (Tex. V 18.)
Legislature to provide by general and uniform laws for election in each county. (Board.) (Wash. XI 5.)
Commissioners to be elected by voters of county; one to be elected every two years. (W.Va. VIII 23.)
Only one commissioner to be elected in any magisterial district; details provided to carry this out. (W.Va. VIII 23.)
Commissioners of county court to judge of election, qualification and returns of their own members. (W.Va. VIII 24.)
Powers and Duties
To hold sessions for transaction of county business as provided by law; this section to govern unless otherwise expressly provided by constitution. (Colo. XIV 6.)
To be prescribed by law. (Fla. VIII 5; Md. VII 1; Wash. XI 5.)
Legislature may authorize commissioners to divide county into taxation districts and to appoint assistant tax assessor. (Fla. VIII 7.)
To be defined by legislature. (Ga. VI Sec. XIX 1.)
May employ counsel when necessary. (Ida. XVIII 6.)
To hold session for transaction of business as provided by law. (Ill. X 6; N.D. X 172.)
To perform jointly and individually such duties as prescribed by law. (Nev. IV 26.)
To exercise general supervision and control of levying of taxes and finances of county, of roads and bridges, schools, and penal and charitable institutions; "but legislature may modify or abrogate". (N.C. VII 2, 14.)

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COUNTIES (*Cont'd*)

COMMISSIONERS (*Cont'd*)

Powers and Duties (*Cont'd*)

Until system of government by chairmen of township boards is adopted by county, its affairs shall be transacted by board of commissioners. (N.D. X 172.)

Term

Two years. (Fla. VIII 5; Ida. XVIII 10.)

Not exceeding six years. (Kan. IV 2.)

To be elected for such periods, not exceeding six years, as prescribed by law. (Md. VII 1.)

Two years; "but legislature may modify or abrogate". (N.C. VII 1, 14.)

As prescribed by law. (N.D. X 172; Wash. XI 5.)

Two years and until successor qualifies. (Tex. V 18.)

Six years. (W.Va. VIII 23.)

Vacancies

To be filled by governor; appointee to hold office until next general election or until vacancy filled by election according to law. (Colo. XIV 9.)

Vacancy to be filled by judge of judicial district in which vacancy occurs. (Mont. XVI 4.)

To be filled by governor; appointee to hold until next general election; successor to be elected for balance of term. (N.M. XX 4.)

To be filled by court of common pleas from among electors who voted for the commissioner whose place is to be filled. (Pa. XIV 7.)

Vacancy to be filled by county court until next general election. (W.Va. VIII 30.)

CONSTABLE, *See* CONSTABLES.

CORONER, *See* CORONERS.

RECORDER

Under this subhead are grouped the provisions relating to Recorder of Deeds, Register of Deeds and Registers.

In General

To be commissioned by governor. (Del. III 22.)

Board of supervisors may unite with office of county clerk or separate therefrom at pleasure. (Register of deeds.) (Mich. VIII 3.)

Legislature to have the power to "increase, diminish, consolidate or abolish the following county officers" (including county recorder). (Nev. IV 32.)

To be sworn to perform duties faithfully. (N.H. II 71.)

To procure seal inscribed with style of office and name of county. Seal to be used for all lawful purposes until otherwise provided by law. Signature sufficient without seal until seal is secured. (Register of deeds.) (Okla. Sched. 22.)

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COUNTIES (*Cont'd*)

RECORDER (*Cont'd*)

Accounting for Public Funds

Failure to settle accounts renders ineligible to hold office of governor or seat in legislature. (Register of deeds.) (N.H. II 94.)

To "keep accurate and detailed accounts in books to be used for that purpose of all fees collected" and to "furnish daily to the commissioner of public finance transcripts of the said accounts duly certified by them or by their authority" and to pay to city treasury fees collected; fees to constitute "judicial expense fund of the parish of Orleans"; their salaries and those of their deputies and their office expenses to be paid from this fund on warrant signed by presiding judge of civil district court; number of employees or their salaries not to be increased unless so ordered by the court. (Applies also to register of conveyances.) (La. 154, 156.)

Bond

To give bond in specified sum approved by court. (New Orleans.) (Applies also to register of conveyances.) (La. 149.)

To give bond with sufficient sureties in reasonable sum for use of county for punctual performance of duties. (Register of deeds.) (N.H. II 71.)

Compensation

In Cook county, to receive as only compensation salaries not exceeding salary of circuit court judge in that county and to be paid only out of fees of the office actually collected. (Ill. X 9.)

For recorder of mortgages $4,000; for register of conveyances $2,500. (New Orleans.) (La. 149.)

Legislature to fix by law. (Nev. IV 32.)

Creation of Office

Office created for each organized county. (Ariz. XII 3; Okla. XVII 2 (Register of deeds).

To be one of county officers. (Recorder of deeds.) (Pa. XIV 1.)

Deputies and Assistants

When authorized by county commissioners, the county recorder may appoint such deputies and assistants as the duties of his office require at compensation fixed by the county commissioners. (Clerk of district court is *ex officio* auditor and recorder.) (Ida. XVIII 6.)

In Cook county, number of deputies and assistants to be determined by rule of circuit court and entered of record and compensation to be fixed by county board. (Ill. X 9.)

May appoint such deputies at such salaries as prescribed by law. (Applies also to register of conveyances, New Orleans.) (La. 149.)

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COUNTIES (*Cont'd*)

RECORDER (*Cont'd*)

Election

To be elected by qualified electors in each organized county, subject to change by law. (Ariz. XII 3.)

To be elected by qualified electors of each county at general elections. (Del. III 22.)

To be elected in each county. (Fla. V 15.)

To be elected in each county having 60,000 or more inhabitants at general election Tuesday after first Monday in November, 1884, and every four years thereafter. (Otherwise clerk of circuit court to be *ex officio* recorder of deeds.) (Ill. X 8.)

Voters of each county to elect at time of holding general election. (Ind. VI 2.)

Voters of parish of Orleans to elect a recorder of mortgages; and a register of conveyances. (La. 149.)

To be elected biennially in each organized county. (Mich. VIII 3.)

Legislature to provide for election by the people. (Nev. IV 32.)

To be elected by inhabitants of towns in the several counties "according to the method now practiced" and laws of state; but legislature may change manner but not deprive people of right to elect. (Register of deeds.) (N.H. II 70.)

Legislature may, on application of majority of inhabitants of any county, divide county into two districts and provide for election of register for each district. (Register of deeds.) (N.H. II 71.)

To be elected by county electors. (Register.) (N.Y. X 1.)

To be elected by qualified voters in each county as provided for election members of legislature; but legislature may modify or abrogate. (Register of deeds.) (N.C. VII 1, 14.)

To be elected in each organized county. (Register of deeds.) (N.D. X 173.)

Legislature may authorize election in any county of over 1,200 voters. (Recorder of conveyances.) (Ore. VII 15.)

To be elected in each organized county every two years. (Register of deeds.) (S.D. IX 5.)

One to be elected in each county by qualified voters. (Register.) (Tenn. VII 1.)

To be elected by county electors. (Register of deeds.) (Wis. VI 4.)

Fees

In Cook county all fees, perquisites and emoluments in excess of amount allowed for salaries to be paid into county treasury. (Ill. X 9.)

Legislature to provide general fee bill or bill of costs regulating fees and compensation in civil matters. (La. 129.)

Fees and costs to continue as fixed by law until otherwise provided by law. (Recorder of mortgages.) (Applies also to register of conveyances.) (La. 153.)

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COUNTIES (*Cont'd*)
RECORDER (*Cont'd*)
Fees (*Cont'd*)
Legislature not to enact laws for one or more counties not applicable to all counties increasing uniform charge for registration of deeds. (Miss. IV 91.)
Other Officer to Serve
Clerk of circuit court to be *ex officio* recorder. (Ark. VII 19.)
Clerk of district court to be *ex officio* auditor and recorder. (Ida. XVIII 6.)
Clerk of circuit court to be *ex officio* recorder of deeds except in counties having 60,000 or more inhabitants in which a recorder of deeds shall be elected. (Ill. X 8.)
Clerk of district court to be *ex officio* parish recorder of conveyances, mortgages and other acts; to give bond for performance of his duties in amount fixed by legislature. (La. 122.)
Clerk of superior court of Baltimore to act as register of deeds. (Md. IV Pt. IV 38.)
Place of Office
To keep office in town or place within county in which superior court usually held. (Del. III 23.)
To hold office at county seat. (Register of deeds.) (Mich. VIII 4.)
To keep office in the county town. (Pa. XIV 4.)
Powers and Duties
To be as prescribed by law. (Ariz. XII 4; Fla. V 15; La. 149; Mich. VIII 3.)
To be *ex officio* county auditor. (Fla. V 15.)
Legislature to fix by law. (Nev. IV 32.)
To be *ex officio* clerk of board of county commissioners; "but legislature may modify or abrogate". (N.C. VII 2, 14.)
Qualifications and Disqualifications
To be as prescribed by law. (Ariz. XII 4; La. 149.) (Applies also to register of conveyances.)
Ineligible to seat in legislature. (Ark. V 7; Ill. IV 3; S.D. III 3.)
Ineligible to office of secretary of state, attorney-general, insurance commissioner, treasurer, auditor, prothonotary, clerk of the peace, register of wills, sheriff or coroner. (Del. III 11.)
Counties containing less than 1,000 "polls" may confer office of clerk or auditor on recorder. (Ind. II 9.)
Not to be justice of supreme court or of inferior court; attorney-general; county attorney; state treasurer; adjutant-general; judge of probate; register of probate; sheriff; clerk of judicial courts. Ineligible to legislature. (Register of deeds.) (Me. IX 2.)
Not to be at the same time judge or register of probate or sheriff. Not to have seat in legislature. (Register of deeds.) (Mass. Pt. II Ch. VI 2.)

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COUNTIES (*Cont'd*)

RECORDER (*Cont'd*)

Qualifications and Disqualifications (*Cont'd*)

Not to hold at same time office of sheriff or judge of probate; "and never more than two offices of profit which may be held by appointment of the governor, or governor and council, or senate and house of representatives, or superior or inferior courts". (Register of deeds.) (N.H. II 93.)

Ineligible to office of governor or seat in legislature if he fails to settle accounts as register of deeds. (N.H. II 94.)

To be elector of county in which elected. (Register of deeds.) (N.D. X 173.)

Not to hold any office in or be member of either house of legislature. (Register of deeds.) (N.D. II 37.)

Not eligible to membership in legislature. (Register of deeds.) (Tenn. II 26.)

Removal

Governor may remove on giving copy of charges and opportunity to be heard. (Register of deeds.) (N.Y. X 1; Wis. VI 4.)

Rotation in Office

Not eligible more than eight years in any 12. (Ind. VI 2.)

Not eligible more that four years in succession. (Register of deeds.) (S.D. IX 5.)

Term

Two years. (Ariz. XII 3; S.D. IX 5; Wis. VI 4.)

Four years. (Del. III 22; Fla. V 15; Ill. X 8; Ind. VI 2; La. 149 (also register of conveyances); Tenn. VII 1.)

To commence on first Monday of December after election, and to continue for four years and until successor qualifies. (Ill. X 8.)

Three years; except that two or four years as legislature provides in New York, Kings and counties coterminous with cities. (Register.) (N.Y. X 1.)

Two years, "but legislature may modify or abrogate". (Register of deeds.) (N.C. VII 1, 14.)

Two years and until successor qualifies. (Register of deeds.) (N.D. X 173.)

Vacancies

If unexpired term is more than one year, to be filled by special election called by "proper legal authority" held within 60 days under general state election laws; where unexpired term is less than one year governor to fill with consent of senate for balance of term. (Recorder of mortgages in New Orleans.) (Applies also to register of conveyances.) (La. 157.)

Acceptance of seat in Congress renders office vacant. (Register of deeds.) (Me. IX 2; Mass. Amend. VIII.)

Filled by election by county electors. (Register.) (N.Y. X 1.)

Vacancy occurring subsequent to an election to be filled by

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COUNTIES (*Cont'd*)
RECORDER (*Cont'd*)
Vacancies (*Cont'd*)
justices until successor, elected by qualified electors at the first election for any county officers, qualifies. (Register.) (Tenn. VII 2.)
Filled by appointment and appointee to hold for unexpired portion of term and until successor qualifies. (Register of deeds.) (Wis. VI 4.)
REGISTER OF WILLS, *See* COURTS.
SHERIFF, *See* SHERIFFS.
SUPERVISORS (BOARD OF).
Creation
To be established in each county. (Mich. VIII 7.)
Each county, except one wholly included in a city, to have a board of supervisors. (N.Y. III 26.)
Appointment
Legislature to provide by general and uniform laws for election or appointment in the several counties. (Cal. XI 5.)
Local or special laws for the election or appointment of, prohibited. (Ind. IV 22; Ore. IV 23.)
Compensation
Legislature to regulate "in proportion to duties". (Cal. XI 5.)
Election
Members to be elected by qualified electors of each organized county, subject to change by law. (Ariz. XII 3.)
Legislature to provide by general and uniform laws for election or appointment in the several counties. (Cal. XI 5.)
Local or special laws for the election or appointment of, prohibited. (Ind. IV 22; Ore. IV 23.)
To be selected in manner provided by law. (Miss. V 138, VI 170.)
Elected in such manner as provided by law. (N.Y. III 26.)
Private or local legislation concerning election forbidden, except bills reported by revision commissioners. (N.Y. III 18, 23.)
Those representing a city or part of a city to be elected Tuesday succeeding first Monday in November in odd numbered years, but this does not apply to filling vacancies nor to cities of third class. (N.Y. XII 3.)
In each "magisterial district" one supervisor to be elected by qualified voters thereof. (Va. VII 111.)
Fees
Legislature to establish fees to be collected for services performed "in the manner and for the uses provided by law, and for this purpose may classify the counties by population". (Cal. XI 5.)
Number
Three members. (Ariz. XII 3.)
Cities to have such representation as may be provided by law. (Mich. VIII 7.)

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COUNTIES (*Cont'd*)

SUPERVISORS (BOARD OF) (*Cont'd*)

Number (*Cont'd*)

One member from each township. (Mich. VIII 7.)

One member from each of five districts into which county is to be divided. Clerk of chancery court of each county to be clerk of board. (Miss. VI 170.)

Such members as provided by law. (N.Y. III 26.)

One supervisor elected in each magisterial district, to be member of county board of supervisors. (Va. VII 111.)

Powers and Duties

To be prescribed by law. (Ariz. XII 4; Mich. VIII 7.)

Legislature to prescribe by general and uniform laws. (Cal. XI 5.)

Legislature may confer "such powers of a local, legislative and administrative character" not inconsistent with constitution as it deems proper. (Mich. VIII 8.)

To have exclusive power to fix salaries of all county officers not otherwise provided for by law. (Mich. VIII 9.)

Board of supervisors or county auditors if any shall adjust all claims against their respective counties. Appeals may be taken to circuit court in manner provided by law. (Mich. VIII 9.)

Legislature to provide for powers and duties by general law in relation to highways, bridges and culverts. (Mich. VIII 26.)

To have control of building of bridges or dams over navigable streams. (Mich. XI 14.)

Board to have "full jurisdiction over roads, ferries and bridges to be exercised in accordance with such regulations" as legislature prescribes and perform other duties required by law. Majority of board of five members may transact business. (Miss. VI 170.)

Legislature by general law to confer "such further powers of local legislation and administration" as it deems expedient. (N.Y. III 27.)

To make apportionment of assembly districts pending legislative apportionment. (N.Y. III 5.)

Not to grant extra compensation to "public officer", servant, agent or contractor. (N.Y. III 28.)

To meet at stated intervals and as often as necessary, and perform such duties as required by law. (Va. VII 111.)

Legislature may by general laws confer upon boards of supervisors such powers of local and special legislation as it deems expedient not inconsistent with constitution. (Va. IV 65.)

Board of supervisors to pass upon all claims against county subject to such appeal as provided by law. (Va. VII 111.)

"Such powers of a local, legislative and administrative character" as it shall prescribe may be conferred by the legislature. (Wis. IV 22.)

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COUNTIES (*Cont'd*)

SUPERVISORS (BOARD OF) (*Cont'd*)

Qualifications and Disqualifications

To be as prescribed by law. (Ariz. XII 4.)

No person to be member unless resident freeholder in district for which chosen. Value of real estate necessary to qualify persons in the several counties to membership on board to be fixed by law. (Miss. VI 170, 176.)

Member not to hold office of county treasurer, sheriff, attorney for the commonwealth, county clerk, commissioner of revenue, superintendent of poor, or county surveyor. (Va. VII 113.)

Term

To be approved by law. (Ariz. XII 3.)

Legislature to prescribe by general and uniform laws. (Cal. XI 5.)

Such period as provided by law. (N.Y. III 26.)

Term expires end of odd numbered year, but this does not apply to cities of third class. (Applies to supervisors representing cities.) (N.Y. XII 3.)

SURVEYOR

In General

To be commissioned by governor. (Ark. VII 46, 48.)

Before entering on duties, and as often thereafter as may be deemed proper, to give bond and security prescribed by law. (Ky. 103.)

Subject to indictment for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law; conviction to vacate office; but officer to have right to appeal to court of appeals. (Ky. 227.)

Legislature to have power to "increase, diminish, consolidate or abolish the following county officers" (including county surveyor). (Nev. IV 32.)

To procure seal inscribed with style of office and name of county. Seal to be used for all lawful purposes until otherwise provided by law. Signature sufficient without seal until seal is secured. (Okla. Sched. 22.)

Appointment

One to be appointed in each county in manner provided by law. (Va. VII 110.)

To be appointed by county court. (Surveyor of roads.) (W.Va. IX 2.)

Compensation

To be paid such salary or compensation either from fees, perquisites and emoluments of his office, or from general county fund, as provided by law. This section to govern, unless otherwise expressly provided by constitution. (Colo. XIV 8.)

To be prescribed by law. (Fla. VIII 6; Md. VII 2; Nev. IV 32; Tex. XVI 44.)

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COUNTIES (*Cont'd*)

SURVEYOR (*Cont'd*)

Creation of Office

Office of surveyor created for each organized county. (Ariz. XII 3; Okla. XVII 2.)

To be one of county officers. (Pa. XIV 1.)

Election

To be elected by qualified electors in each organized county, subject to change by law. (Ariz. XII 3.)

To be elected by qualified electors of each county. (Ark. VII 46; Tex. XVI 44; W.Va. IX 1, 2.)

To be elected in each county at the election for members of legislature. This section to govern except as otherwise expressly provided by constitution. (Colo. XIV 8.)

Legislature to provide for election of by qualified electors in each county. (Fla. VIII 6.)

Legislature to provide by general and uniform laws for election biennially in each county. (Ida. XVIII 6.)

Voters of each county to elect at time of holding general election. (Ind. VI 2; Ore. VI 6.)

To be elected in each county. (Ky. 99.)

To be elected in each county and city of Baltimore; on first Tuesday after first Monday November, 1867, and every two years. (Md. VII 2.)

To be elected in each county in manner provided by law for each county. (Miss. V 135, 138.)

Legislature to provide for election by the people. (Nev. IV 32.)

To be elected by qualified voters in each county as provided for election members of legislature; "but legislature may modify or abrogate". (N.C. VII 1, 14.)

To be elected in each organized county every two years. (S.D. IX 5.)

Place of Office

To keep office in the county town. (Pa. XIV 4.)

To have office at county seat. (Tex. XVI 44.)

Powers and Duties

To be prescribed by law. (Ariz. XII 4; Ark. VII 46; Fla. VIII 6; Md. VII 2; Nev. IV 32; Tex. XVI 44.)

Qualifications and Disqualifications

To be as prescribed by law. (Ariz. XII 4.)

Twenty-four years of age at time of election; citizen of Kentucky; resident of state two years and in county or district in which he is candidate one year next preceding election. (Ky. 100.)

Not to hold office of county treasurer, sheriff, attorney for commonwealth, county clerk, commissioner of revenue, superintendent of poor, or supervisor. (Va. VII 113.)

Residence

Must reside in county for which elected. (Surveyor of lands.) (W.Va. IX 1, 2.)

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COUNTIES (*Cont'd*)

SURVEYOR (*Cont'd*)

Rotation in Office

Not to be eligible for more than four years in succession. (S.D. IX 5.)

Term

Two years. (Ariz. XII 3; Ark. VII 46; Ida. XVIII 6; Ind. VI 2; Md. VII 2; Ore. VI 6; S.D. IX 5.)

Four years. (Fla. VIII 6; W.Va. IX 1, 2.)

To commence January 1st next after election and to continue for four years, and until successor qualifies. (Ky. 99.)

To begin first Monday January after election. (Md. VII 2.)

Four years and unless removed until successor duly qualified to enter on discharge of duties. (Miss. V 135, 136.)

Two years and until successor qualifies. (Mont. XVI 5; Tex. XVI 44.)

Two years; "but legislature may modify or abrogate". (N.C. VII 1, 14.)

Vacancies

To be filled by special election but in case of vacancy occurring six months before next general election governor to fill by appointment. (Ark. VII 50.)

Conviction for misfeasance or malfeasance in office or wilful neglect of duties renders office vacant. (Ky. 227.)

Vacancy to be filled by county commissioners or by mayor and council of Baltimore for balance of term. (Md. VII 2.)

TREASURER

In General

Legislature may abolish office of treasurer in any county. (Ga. XI Sec. III 1.)

Office created in each organized county. (Ariz. XII 3; Okla. XVII 2; Pa. XIV 1.)

To be commissioned by governor. (Ark. VII 46, 48.)

To have office at county seat. (Mich. VIII 4; Tex. XVI 44.)

Governor to suspend treasurer for alleged default pending investigation of his accounts. (Miss. V 125.)

To procure seal inscribed with style of office and name of county. Seal to be used for all lawful purposes until otherwise provided by law. Signature sufficient without seal until seal is secured. (Okla. Sched. 22.)

Accounting for Public Funds

District court of each county at each term to charge grand jury as to laws regulating accountability county treasurer and to appoint committee of grand jury or other reputable persons not exceeding five to investigate accounts and affairs of treasurer and report condition thereof to court; judge of court to appoint like committee in vacation at any time not exceeding once in three months. (Colo. XII 5.)

State examiner and inspector to prescribe uniform system of bookkeeping for treasurer. (Okla. VI 19.)

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COUNTIES (*Cont'd*)

TREASURER (*Cont'd*)

Accounting for Public Funds (*Cont'd*)

Clerk of circuit court to forward to auditor of public accounts certified copy of county treasurer's list of persons who have paid poll tax and auditor to charge full amount of such list to treasurer unless previously accounted for. (Va. II 38.)

Legislature to provide for accountability as to fees collected and all public moneys paid to or which officially come into possession of treasurer. (Wash. XI 5.)

State examiner to examine accounts and report at least once in each year to officer prescribed by law. (Wyo. IV 14.)

Compensation

To be paid such salary or compensation either from fees, perquisites and emoluments of his office, or from general county fund, as provided by law. This section to govern unless otherwise expressly provided by constitution. (Colo. XIV 8.)

Legislature may fix compensation without regard to uniformity of such compensation in the various counties. (Ga. XI Sec. III 1.)

To receive only salary fixed by law, in no case to exceed "lawful compensation" of circuit court judges of county and payable out of fees of his office actually collected. (Cook county.) (Ill. X 9.)

To be provided by law. (Tex. XVI 44.)

Legislature to regulate compensation in proportion to duties and for that purpose may classify counties according to population. (Wash. XI 5.)

Constitution classifies counties into those having assessed valuation not exceeding $2,000,000, those having more than $2,000,000 and not exceeding $5,000,000, and those having more than $5,000,000, and fixes definite limits of salaries for each class, leaving exact salary to legislature. These provisions to apply to any officer of county performing duties usually performed by those named regardless of title to office. (Wyo. XIV 3, 5.)

Deputies and Assistants

When authorized by county commissioners the county treasurer may appoint such deputies and assistants as the duties of his office require at compensation fixed by the county commissioners. (Ida. XVIII 6.)

In Cook county number of deputies and assistants to be determined by rule of circuit court and entered of record and compensation to be fixed by county board. (Ill. X 9.)

Election

To be elected by qualified electors in each organized county subject to change by law. (Ariz. XII 3.)

To be elected by qualified electors of each county. (Ark. VII 46; Tex. XVI 44; Va. VII 110.)

To be elected in each county at the election for members of legislature. This section to govern except as otherwise expressly provided by constitution. (Colo. XIV 8.)

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COUNTIES (*Cont'd*)
TREASURER (*Cont'd*)
Election (*Cont'd*)
Voters of each county to elect at time of holding general election. (Ind. VI 2; Ore. VI 6.)
Legislature to provide by general and uniform laws for election biennially in each county. (Ida. XVIII 6.)
To be elected in each county at general election Tuesday after first Monday in November, 1882, and every four years following. (Ill. X 8.)
To be elected in each organized county every two years. (Mich. VIII 3; S.D. IX 5.)
To be selected in each county in manner provided by law for each county. (Miss. V 135, 138.)
To be elected by inhabitants of towns in the several counties "according to the method now practiced" and laws of state; but legislature may change manner but not deprive people of right to elect. (N.H. II 70.)
To be elected by qualified voters in each county as provided for election members of legislature; but legislature may modify or abrogate. (N.C. VII 1, 14.)
To be elected in each organized county. (N.D. X 173.)
Legislature to provide by general and uniform laws for election in each county. (Wash. XI 5.)
Fees
Fees, perquisites and emoluments in excess of salary authorized to be paid therefrom, to be paid into the county treasury. (Cook county.) (Ill. X 9.)
Powers and Duties
To be prescribed by law. (Ariz. XII 4; Ark. VII 46; Mich. VIII 3; Tex. XVI 44; Wash. XI 5.)
To be *ex-officio* treasurer of common school fund of county. (Ark. VII 46.)
To be collector of taxes. This section to govern except as otherwise expressly provided by the constitution. (Colo. XIV 8.)
To be *ex-officio* public administrator and tax collector. (Ida. XVIII 6.)
Shall be collector of taxes. (Mont. XVI 5.)
Qualifications and Disqualifications
To be prescribed by law. (Ariz. XII 4.)
Treasurer ineligible to seat in legislature. (Ark. V 7.)
To be elector of county in which elected. (N.D. X 173.)
Not to be member of legislature, and qualification as such member to vacate office. (Va. IV 44.)
Not to hold office of sheriff, attorney for commonwealth, county clerk, commissioner of revenue, superintendent of poor, county surveyor, or supervisor. (Va. VII 113.)
Removal
May be removed by circuit or other court of like jurisdiction or criminal court of county in which such officer holds office as

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COUNTIES (*Cont'd*)

TREASURER (*Cont'd*)

Removal (*Cont'd*)

prescribed by law, provided that right to jury trial and appeal be secured. Grounds for removal: "Wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office or committed under color thereof or connected therewith." Penalty not to extend beyond removal and disqualification from holding office under authority of state for term for which such officer was elected or appointed, but accused to be liable to indictment or punishment as prescribed by law. (Ala. VII 173, 175, 176.)

Rotation in Office

Not eligible more than four years in any six. (Ind. VI 2; Ohio X 3.)

Not eligible for re-election for four years after expiration of term for which elected. (Ill. X 8.)

Not to hold office for more than two consecutive terms. (Kan. IV 2; Mont. XVI 5.)

Not eligible to "immediately succeed" himself or the county sheriff. (Miss. V 135.)

Not to hold office for more than four years in succession. (N.D. X 173; S.D. IX 5.)

Not eligible for next succeeding term. (Pa. XIV 1.)

Term of Office

Two years. (Ariz. XII 3; Ark. VII 46; Ind. VI 2; Ore. VI 6; S.D. IX 5.)

To commence on first Monday of December after election, and to continue for four years and until successor qualifies. (Ill. X 8.)

Term four years and unless removed until successors duly qualified to enter on discharge of duties. (Miss. V 135, 136.)

Two years and until successor qualifies. (Mont. XVI 5; N.D. X 173; Tex. XVI 44.)

Two years, "but legislature may modify or abrogate". (N.C. VII 1, 14.)

To be fixed by legislature. (Wash. XI 5.)

Vacancies

To be filled by special election but in case of vacancy occurring six months before next general election governor to fill by appointment. (Ark. VII 50.)

Governor to make temporary appointments during such time as treasurer is suspended for alleged default in accounts. (Miss. V 125.)

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COUNTIES (*Cont'd*)

EMPLOYEES

See also LABOR — PUBLIC WORK.

Employees of county officers not eligible to serve as election officers. (Ark. III 10.)

No state officer or deputy or member of legislature to be employee of county; but notary public or officer of militia not to be ineligible. (Ky. 165.)

Legislature may regulate and fix wages and salaries and hours of work, and make provision for protection, welfare and safety of county employees. (N.Y. XII 1.)

"Appointments and promotions in the civil service * * * shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations." (Ohio XV 10.)

CORRUPT PRACTICES

See also above, this title, OFFICERS — ACCOUNTING FOR PUBLIC FUNDS.

See also above, this title, OFFICERS — VACANCY IN OFFICE — WHAT CONSTITUTES.

In General

Officer not to receive during term any fee, money, office, employment, thing of value or personal advantage, or the promise thereof, to lobby for or against measures pending in legislature or to give or withhold his influence to secure passage or defeat thereof. (Ala. IV 101.)

Making a profit out of funds or using for purpose not authorized by law by any officer having possession or control thereof to be felony; prosecuted and punished as prescribed by law. (Cal. XI 17.)

Receiving by officer of county or member or officer of legislature of interest, profit or perquisite arising from use or loan of public funds in his hands or moneys to be raised through his agency for county purposes to be felony punishable as prescribed by law, including disqualification from holding office. (Ga. VII Sec. IX 1.)

Receiving any interest, profit or perquisite arising from use or loan of public funds in his hands or moneys to be raised through his agency for state, city, town, district or county purposes to be felony, punished as prescribed by law, including disqualification to hold office. (Ky. 173; Okla. X 11.)

If any person offers or gives any sum of money, bribe, present, reward, promise or any other thing to any parochial officer with intent to induce or influence him to appoint any person to office, to vote, or exercise any power in him vested, or to perform any duty of him required, the person giving or offering to give and the officer so receiving any money, bribe, present, reward, promise, contract, obligation or security with intent aforesaid shall be guilty of bribery, and on conviction, be disqualified from holding any state, parochial or municipal office, and be forever ineligible to seat in legislature; legislature may enact additional penalties. (La. 183.)

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COUNTIES (*Cont'd*)

CORRUPT PRACTICES (*Cont'd*)

In General (*Cont'd*)

Making profit out of or using public funds for unauthorized purposes by public officer to be felony and punished as provided by law. (Mo. X 17; S.D. XI 11; Wash. XI 14; Wyo. XV 8.)

Interest in Contracts

Member of legislature not to be interested directly or indirectly in contracts if authorized during term for which he was elected or within one year after expiration thereof. (Ill. IV 15; Mich. IV 7.)

No public officer or member of legislature to be interested directly or indirectly in contracts where authorized by any law passed or order made by board of which he is or was member during term for which he was chosen or within one year after termination of term. (Miss. IV 109.)

Member of legislature or state officer not to be interested in contracts if authorized by law passed during his term or within one year after its termination. (Nebr. III 13.)

Members of legislature during term for which elected or within two years thereafter not to be interested in contracts if authorized by law passed during term for which elected. (Okla. V 23.)

Not to be interested in contracts during term or for one year thereafter if such contract authorized by any law passed during term for which such member was elected. (S.D. III 12.)

Member of legislature not to be directly or indirectly interested in contracts if authorized by any law passed during term for which he was elected. (Tex. III 18; W.Va. VI 15.)

Free Transportation

See also PUBLIC OFFICERS — FREE PASSES.

Railroads forbidden to grant free transportation to county officers. *See also* RAILROADS.

Common carrier forbidden to give free pass or reduced rates and officer forbidden to accept under penalty of forfeiture of office. (Ky. 197.)

Transportation company not to give and officer not to receive free or reduced rates of transportation; officer violating to forfeit office and be punished as prescribed by law; but this does not prevent firemen or policemen from accepting free transportation while in discharge of duty. (Va. XIII 161.)

POWERS AND RIGHTS

In General

For provisions relating to eminent domain and excess condemnation, See EMINENT DOMAIN.

For provisions relating to sale of liquors, See LIQUORS.

Authorized to make and enforce within its limits such local, police, sanitary and other regulations as are not in conflict with general laws. (Cal. XI 11; Wash. XI 11.)

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COUNTIES (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

In General (*Cont'd*)

May make and enforce within its limits such local, police, sanitary and other regulations as are not in conflict with its charter or general laws. (Ida. XII 2.)

"Legislature may confer upon tribunals transacting the county business of the several counties, such powers of local legislation and administration as it shall deem expedient." (Kan. II 21.)

To have such powers as may be prescribed by law. (La. 277.)

Restrictions Upon

Stock and Bond Holding

See also below, this title, FINANCES — EXPENDITURES.

Legislature not to authorize to become stockholder in any corporation, association, or company by issuing bonds or otherwise. (Ala. IV 94.)

Not to become subscriber to or shareholder in any company or corporation. (Ariz. IX 7; Colo. XI 2.)

Not to become stockholder in company, association or corporation. (Ark. XII 5.)

Not to become shareholder in any private corporation or company. (Del. VIII 8.)

Legislature not to authorize becoming stockholder in foreign association or corporation. (Fla. IX 10.)

Legislature not to authorize to become stockholder in company, association or corporation except for purely charitable purpose. (Ga. VII Sec. VI 1.)

County not to become by vote of its citizens or otherwise stockholder in any joint stock company, corporation or association. (Ida. XII 4.)

Not to subscribe for unless paid at time of subscription. (Ind. X 6.)

Legislature not to authorize any county or subdivision thereof to become stockholder in any company, association or corporation. (Ky. 179; Okla. X 17.)

Not to become subscriber to or owner of stock or interest therein of any railroad, private corporation or association. (Nebr. XIA 1.)

Not to become stockholder in joint stock company, corporation or association except railroad corporation, companies or associations. (Nev. VIII 10.)

Not to be directly or indirectly owner of any stock or bonds of any association or corporation. (N.J. I 19; Wash. VIII 7.)

Not to become directly or indirectly owner of stock or bonds of association or corporation; but this does not prevent making such provision for aid in support of its poor as may be provided by law. (N.Y. VIII 10.)

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COUNTIES (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

Restrictions Upon (*Cont'd*)

Stock and Bond Holding (*Cont'd*)

Not to subscribe to or become owner of capital stock of any association or corporation. (N.D. XII 185.)

Not to become holder of corporate stock by vote of citizens or otherwise. (Ore. XI 9.)

Legislature not to authorize becoming stockholder in company, association or corporation. (Pa. IX 7; Tex. III 52.)

Legislature not to authorize county to subscribe to stock or bond in aid of any railroad, telegraph, or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Not to become owner of corporate stock in any association or corporation. (Wyo. XVI 6.)

Not to subscribe to stock or purchase bonds or make donation to any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Subscription to capital stock of any railroad or private corporation forbidden, but this not to affect right to make such subscriptions when authorized under existing laws by vote of people prior to adoption of this amendment. (Ill. Amend. 1870 — Municipal subscriptions to corporations separately submitted.)

Not to become subscriber to stock of railroad or other corporation or association. Authority granted prior to constitution for such purpose by legislature or corporate charter hereby repealed. This not to affect right to make subscription authorized by vote of people prior to constitution in pursuance of law then existing and where terms of submission and subscription have been or shall be complied with; or to prevent issue of renewal bonds or other means prescribed by law for payment of such subscription or of any indebtedness prior to constitution. (Miss. VII 183.)

Not to become subscriber to stock of railroad or other corporation or association; authority previously conferred by legislature or by charter of any corporation repealed; but this not to prevent such subscription where authorized by vote of people prior to constitution or to prevent renewal bonds or other means prescribed by law for payment of such subscription or of any indebtedness prior to constitution. (Mo. IX 6.)

Not to become subscriber to stock of private corporation or association; this not to affect obligations undertaken pursuant to law prior adoption constitution. (Tex. XI 3.)

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COUNTIES (*Cont'd*)
POWERS AND RIGHTS (*Cont'd*)
Restrictions Upon (*Cont'd*)
Stock and Bond Holding (*Cont'd*)
Not to subscribe to or become interested in "stock or obligations" of company, association or corporation "for the purpose of aiding in the construction or maintenance of its work", but this not to prevent county perfecting subscription to capital stock of railroad company authorized by exising charter provided vote of freeholders of such county in favor of such subscription is had prior to July 1, 1903. (Constitution effective July 10, 1902.) (Va. XIII 185.)
Joint Ownership
Not to become "joint owner with any person, company or corporation, except as to such ownerships as may accrue to the state by operation or provision of law". (Ariz. IX 7.)
Not to become joint owner with any person or corporation, "public or private" "in or out of state" except such ownership as may accrue to county jointly with any person, company or corporation by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them jointly with any or either of them under execution in cases of crimes, penalties or forfeiture or recognizance, breach of condition of official bonds, or of bond to secure public money, or the performance of any contract in which they or any of them may be jointly or severally interested. (Colo. XI 2.)
Not to become joint owner with any private corporation, person or company. (Del. VIII 8.)
No law to authorize becoming joint owner or stockholder in any company by vote of citizens or otherwise; but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)
Not to become "stockholder with others" in company, association or corporation, except on assent of three-fourths qualified voters voting at election thereon. (Tenn. II 29.)
CONTROL BY STATE
In General
Local and private acts passed for the benefit of counties not inconsistent with supreme law or this constitution and not expired or repealed prior to its adoption to have force of statute law subject to judicial decision as to validity when passed and to limitations imposed by their own terms. (Ga. XII Sec. I 4.)
Power of initiative and referendum reserved to legal voters of every county and district "as to all local legislation or action

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COUNTIES (*Cont'd*)

CONTROL BY STATE (*Cont'd*)

In General (*Cont'd*)

in the administration of county and district government". Manner of exercising these powers to be prescribed by general laws, but boards of county commissioners may provide for time of exercising such powers as to local legislation. Number of petitioners required provided for. (Okla. V 5.)

Restrictions Upon

Legislature not to delegate to any special commission, private corporation, company, association or individual "any power to make, control, appropriate, supervise or in any way interfere with any county" improvement, money, property or effects whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal functions whatever, but legislature may provide for supervision and conduct of affairs of irrigation districts, reclamation districts or drainage districts. (Cal. XI 13.)

Special and local legislation regulating affairs of counties forbidden. (Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Ind. IV 22; Minn. IV 33; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.D. III 23; Tex. III 56; W.Va. VI 39; Wyo. III 27.)

Legislature not to pass law for benefit railroad or other corporation or any individual or association retrospective in its operation or which imposes on people of county new obligation in respect to transactions or considerations already passed. (Colo. XV 12; Mo. XII 19.)

Legislature not to pass law for benefit of railroad or other corporation, or any individual or association, which imposes on people of any county a new liability in respect to transactions or considerations already passed. (Ida. XI 12; Mont. XV 13.)

Legislature not to enact indirectly any special or local act by exempting from the operation of a general act. (Ky. 60.)

Local and special legislation regulating county affairs forbidden; but this does not restrict power of legislature to establish and regulate compensation and fees of county officers. (Nev. IV 20; Utah VI, 26, 11.)

Private, local and special laws regulating internal affairs prohibited. (N.J. IV 7, 11.)

FINANCES

For provisions incidentally relating to finances, See also above, this title, "POWERS AND RIGHTS" *and* "CONTROL BY STATE".

In General

For provisions respecting reimbursement of state for payment of judges' salaries, See COURTS.

Legislature not to require counties to pay any charges which at time adoption constitution were payable out of state treasury. (Ala. XI 218.)

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COUNTIES (*Cont'd*)

FINANCES (*Cont'd*)

In General (*Cont'd*)

Any citizen may institute suit in behalf of himself and others interested to protect inhabitants of county against "enforcement of any illegal exactions whatever". (Ark. XVI 3.)

Legislature to provide by law "for the care and custody of all county" funds, and "the method of reporting and paying out" thereof. (Fla. VIII 6.)

Legislature to provide by law "such a system of county finances as shall cause the business of the several counties to be conducted on a cash basis". Legislature to provide that whenever county has outstanding unpaid warrants for payment of which there are no funds in county treasury, county commissioners to levy special tax of 10 mills for creation of special fund for redemption such warrants. All warrants issued before such levy to be paid exclusively from said fund; all moneys in county treasury end of each fiscal year not needed for current expenses to be transferred to said redemption fund. (Ida. VII 15.)

Control of excess in "judicial expense fund of the parish of Orleans" made up of fees by clerks of specified courts and registers of conveyances and recorder of deeds after paying salaries and office expenses to be vested in judges of civil district court. (La. 155.)

Local or special legislation refunding money paid into county treasury forbidden. (Nev. IV 20.)

Legislature to pass suitable laws for transfer and disbursement of funds; officers charged therewith shall keep accurate entry of each sum received and of each payment and transfer, and give bond. (S.C. X 12.)

Claims By and Against

"In all cases of allowances made for or against" county appeal to lie to circuit court at instance of party aggrieved or on intervention of citizen or resident and taxpayer of county on terms and conditions on which appeals granted to that court in other cases. Matter to be tried *de novo*. Citizen appealing to give bond payable to county, conditioned to prosecute appeal and save county from costs thereon. (Ark. VII 51.)

Legislature not to pay or authorize payment of claim under contract made without express authority of law. (Cal. IV 32.)

Counties not to be authorized or permitted to pay claim under contract made without express authority of law. (Ky. 162.)

Legislature not to pay or authorize payment of claim against parish under contract made without express authority of law. (La. 47.)

County not to be made responsible for acts of sheriff. (Mich. VIII 5; N.Y. X 1; Va. VII 114; Wis. VI 4.)

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COUNTIES (*Cont'd*)

FINANCES (*Cont'd*)

Claims By and Against (*Cont'd*)

Legislature not to authorize payment of claim hereafter created against county under contract made without express authority of law. (Mo. IV 48.)

Execution not to issue on judgment against board of county commissioners or against any officer of county in his official capacity and for which the county is liable, but such judgment shall be paid out of the proceeds of a tax levy and when so collected shall be paid by "county treasurer" to the judgment creditor. (N.M. VIII 7.)

No bills, claims, accounts or demands to be audited, allowed or paid until full itemized written statement shall be filed with the auditing officer. (N.D. XII 186.)

If death ensues, county where lynching takes place to be liable without regard to conduct of officers "in exemplary damages" not less than $2,000 to legal representatives of person lynched; and county against which judgment may be recovered in such case may recover from "parties engaged in said lynching". (S.C. VI 6.)

Legislature not to authorize payment of claims created against county under contract made without authority of law. (Tex. III 53.)

Legislature not to authorize payment of any claim hereafter created against the county under contract "made without authority of law", but this does not apply to claims incurred by public officers in execution of state laws. (Utah VI 30.)

All claims against county to be passed on by board of supervisors subject to such appeal as provided by law. (Va. VII 111.)

"No bills, claims, accounts or demands against the county" shall be audited, allowed or paid until a full itemized statement in writing verified by affidavit shall be filed with the officer or officers whose duty it may be to audit same. (Wyo. XVI 7.)

Release of Obligations

No obligation or liability of person, association or corporation held or owned by county to be remitted, released or postponed or in any way diminished by legislature nor extinguished except by payment, nor exchanged or transferred except upon payment of face value; but this does not prevent legislature providing by general law for compromise of doubtful claim. (Ala. IV 100.)

Legislature not to release, diminish or authorize release or diminution in whole or in part indebtedness or liability of any corporation or individual to county. (Ky. 52.)

Legislature not to release or extinguish or authorize releasing or extinguishing any part of indebtedness or obligation of cor-

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COUNTIES (*Cont'd*)
FINANCES (*Cont'd*)
Release of Obligations (*Cont'd*)
poration or individual to parish, but heirs to confiscated property may be released from taxes due thereon at date of its reversion to them. (La. 59.)
Obligation due county not to be remitted, released or postponed or in any way diminished except by payment into proper treasury; not to be exchanged or transferred except upon payment of its face value; but legislature may provide by law for the compromise of doubtful claims. (Miss. IV 100.)
Legislature not to release or extinguish in whole or in part indebtedness, liability or obligation of corporation or individual to the county. (Mo. IV 51.)
Local or special legislation releasing indebtedness, liability or obligation of person or corporation to county forbidden. (Nev. IV 20.)
Legislature not to release or extinguish or authorize releasing or extinguishing in whole or in part the indebtedness, liabilities or obligations of corporation or individual to county. (Okla. V 53; Tex. III 55.)
Deposit of Funds
"All moneys, assessments and taxes belonging to or collected for the use of" county coming into hands of officer thereof to be immediately deposited with treasurer or other legal depositary to its credit for benefit of funds to which they belong. (Cal. XI 16; Wash. XI 15.)
All moneys belonging to county may be deposited in any national bank within county or in any bank organized under laws of state in manner and under conditions provided by law. (Cal. XI 16½.)
Banks of deposit to furnish as security for deposits bonds of United States, California or any county, municipality or school district or irrigation district within county, to be approved by officer designated by law, to an amount in value at least 10 per cent. in excess of amount of deposit. (Cal. XI 16½.)
Banks to pay reasonable rate of interest not less than 2 per cent. per annum on daily balances. (Cal. XI 16½.)
Deposit in banks not at any one time to exceed 50 per cent. of paid-up capital stock of depository bank, and no officer to deposit at one time more than 20 per cent. of public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. (Cal. XI 16½.)
All county money except as otherwise provided in constitution shall whenever practicable be deposited in a national bank or bank incorporated under laws of state; bank to furnish security approved as provided by law and to pay reasonable rate of interest, such interest to accrue to the fund from which it is derived. (Wyo. XV 7.)

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COUNTIES (*Cont'd*)

FINANCES (*Cont'd*)

Expenditures

In General

Legislature to empower board of supervisors of each county to aid in supporting company of national guard within county borders under regulations and restrictions prescribed by law. (Miss. IX 222.)

"The expenses of criminal prosecutions except those before justices of the peace shall be borne by the county in which such prosecution shall be begun." Defendants in case of conviction may be taxed with costs. (Miss. XIV 261.)

Donations in aid of internal improvements in aggregate with similar donations of subdivisions of county not to exceed 10 per cent. of assessed valuation of county. Not to be made unless proposition has first been submitted to qualified electors at an election authorized by law. On two-thirds vote limit may be increased to 5 per cent. in addition to 10 per cent. of assessed valuation. (Nebr. XII 2.)

Not to pay any debt or interest thereon contracted directly or indirectly in aid of the Rebellion. (N.C. VII 13.)

Not to pay any debt or obligation created by county in aid of Civil War. (Va. XIII 186.)

Aid to Private Enterprise

For provisions relating to power of county to lend its credit to or incur debts to or in aid of private enterprise, See below, this title, DEBT — PURPOSE.

Legislature not to authorize counties to grant public money or thing of value to or in aid of individual, association or corporation by issuing bonds or otherwise. (Ala. IV 94.)

Not to make any donation by subsidy or otherwise to individual, association or corporation. (Ariz. IX 7; Mont. XIII 1.)

Not to appropriate or obtain money for any company, association or corporation. (Ark. XII 5.)

Not to make donation or grant to or in aid of any person, company or corporation "public or private" in or out of county. (Colo. XI 2.)

Not to appropriate money to any private corporation, person or company. (Del. VIII 8.)

Legislature not to authorize obtaining or appropriating money for corporation, association, institution or individual. (Fla. IX 10.)

Not to make by vote of citizens or otherwise donation to or in aid of any joint-stock company, corporation or association. (Ida. XII 4.)

Donations to railroad or private corporation prohibited. (Ill. Amend. 1870 Municipal subscriptions to corporations separately submitted.)

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COUNTIES (*Cont'd*)
FINANCES (*Cont'd*)
Expenditures (*Cont'd*)
Aid to Private Enterprise (*Cont'd*)
Not to make appropriation in aid of any railroad or other corporation or association. (Miss. VII 183.)
Legislature not to authorize to grant public money or thing of value to or in aid of individual, association or corporation. (Mo. IV 47; Tex. III 52.)
Appropriation or donation to or in aid of railroad or other corporation or association forbidden. Authority previously conferred by legislature or by any corporate charter repealed. (Mo. IX 6.)
Forbidden to give or loan money to or in aid of any individual, association or corporation. (N.J. I 19.)
Legislature not to authorize county or subdivision thereof to obtain or appropriate money for or levy tax for any corporation, association or individual. (Okla. X 17.)
Legislature not to authorize appropriation of money to "any corporation, association, institution or individual". (Pa. IX 7.)
Not to make appropriation or donation to private corporation or association; this not to affect obligations undertaken pursuant to law prior adoption constitution. (Tex. XI 3.)
Donations to aid railroad or telegraph lines forbidden. (Wyo. X Railroads 5.)
County not to make appropriation or pay from any public fund or grant anything to or in aid of religious sect, church, creed or sectarian purpose or help to support or sustain any school, college, university, hospital or other institution controlled by any religious creed, church or sectarian denomination; but this does not prevent legislature granting aid to institutions, for the support and maintenance of dependent children and indigent aged persons, authorized by constitution. (Cal. IV 30.)
Legislature not to authorize counties to appropriate money for corporation, association, company, institution or individual, except for purely charitable purposes. (Ga. VII Sec. VI 1.)
Legislature not to authorize county to appropriate money to any corporation, association or individual except for purpose of constructing or maintaining bridges, turnpike roads or gravel roads. (Applies also to subdivisions of counties.) (Ky. 179.)
Not to loan credit to any "college or institution of learning or other institution whether created for or to be controlled by state or others". Authority previously conferred by legislature or by corporate charters repealed.

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COUNTIES (*Cont'd*)

FINANCES (*Cont'd*)

Expenditures (*Cont'd*)

Aid to Private Enterprise (*Cont'd*)

This does not prevent issue of bonds or other means of payment of subscription to corporate stock authorized by people prior to constitution or of other existing debt. (Mo. IX 6.)

Except as otherwise provided in constitution county not to make donation to or in aid of, directly or indirectly, any person, association or corporation or to any private enterprise for construction of railroad; but this not to be construed to prohibit provision for care of sick and indigent persons. (N.M. IX 14.)

Not to give money or property or lend money to or in aid of any individual, association or corporation; but this not to prevent making such provisions for aid and support of its poor as may be authorized by law. (N.Y. VIII 10.)

Not to make donation to or in aid of individual, association or corporation, except for necessary support of poor. (N.D. XII 185; Wyo. XVI 6.)

Not to make donations to or in aid of, or pay the debt or liability of, individual, association or corporation, except for necessary support of poor. (S.D. XIII 1.)

Not to give money to or in aid of individual, association, company or corporation, "except for the necessary support of the poor and infirm". (Wash. VIII 7.)

Donations in aid of railroads in aggregate with similar donations of subdivisions of county not to exceed 10 per cent. of assessed valuation of county. Not to be made unless proposition has been first submitted to qualified electors at an election authorized by law. On two-thirds vote may be increased 5 per cent. in addition to 10 per cent. of assessed valuation. (Nebr. XII 2.)

Aid to Public Corporation

County not to make donation or grant to or in aid of any public corporation in or out of the county. (Colo. XI 2.)

Except as otherwise provided in constitution, county not to make donation, directly or indirectly, to or in aid of public corporation; but this not to be construed to prohibit provision for care of sick and indigent persons. (N.M. IX 14.)

Extra Compensation to Officers, Agents or Contractors

Legislature not to authorize or require, nor county to have authority to grant, extra compensation, fee or allowance to public officer, servant or employee or agent after service rendered. This does not apply to allowances by commissioners' court or boards of revenue to county officers for *ex officio* services. (Ala. IV 68.)

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COUNTIES (*Cont'd*)
FINANCES (*Cont'd*)
Expenditures (*Cont'd*)
Extra Compensation to Officers, Agents or Contractors (*Cont'd*)
Legislature not to authorize any county authority to grant extra compensation or allowance to any public officer, agent or servant after service rendered. (Cal. IV 32; Mo. IV 48; Tex. III 53; Utah VI 30.)
Not to grant extra compensation to public officer, employee, agent or servant, or increase compensation of public officer or employee to take effect during continuance in office of any person whose salary might be thereby increased. (Conn. Amend. XXIV.)
Legislature not to authorize any parish authority to grant extra compensation, fee or allowance to public officer, agent or servant. (La. 47.)
Board of supervisors not to grant extra compensation to "public officer", servant or agent. (N.Y. III 28.)
Legislature not to authorize or require, nor county to have authority to grant extra compensation, fee or allowance to contractors after service rendered or contract made. (Ala. IV 68.)
Legislature not to authorize any county authority to grant extra allowance after contract entered into and partly performed. (Cal. IV 32; Mo. IV 48; Tex. III 53; Utah VI 30.)
Not to increase pay or compensation of any public contractor above amount specified in the contract. (Conn. Amend. XXIV.)
Legislature not to authorize any parish authority to grant extra compensation fee or allowance to contractor. (La. 47.)
Board of supervisors not to grant extra compensation to contractor. (N.Y. III 28.)
Warrants
No money to be drawn from county treasury except on warrant of duly authorized officer in manner and form prescribed by legislature. (Ida. VII 14.)
No money to be drawn from treasury except by authority of law. (Minn. XI 6; Ohio X 5.)
No money to be drawn from treasury except by authority of law; "but legislature may modify or abrogate". (N.C. VII 8, 14.)
Debt, *See below, this title*, DEBT.
Taxation, *See* TAXATION.
DEBT
Existing Time Adoption Constitution
People or legislature not to pass law validating if invalid at time state admitted. This irrevocable without consent of United States. (Ariz. XX Sixth.)

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Existing Time Adoption Constitution (*Cont'd*)

Nothing in this article to be construed to impair or add to obligation of debts contracted in accordance with territorial law; or to prevent contracting any debt or issuing bonds therefor in accordance with laws of territory upon proposition which according to such laws was submitted to qualified electors before constitution took effect. (Colo. XI 9.)

Validity of not affected by prohibition of loans of credit in aid of private or corporate enterprise. (Conn. Amend XXV; Tex. XI 3; Wyo. X Railroads 5.)

Territorial county debts not assumed by state to remain valid and unaffected until paid or refunded according to law; no county to be required to pay any portion of debt of any other county assumed by state; amounts contributed by other counties to general levy to meet deficiencies in fund for payment of debts of specified counties to be returned to such counties out of such fund. (N.M. IX 2, 4, XXII 12.)

Debts existing at time of adoption of constitution in excess of constitutional limitation of amount of county debts not to be void. (N.Y. VIII 10.)

Authorized to pay either by tax levy or by issuing bonds under provisions of laws extended in force in state; but nothing in constitution to legalize any invalid debt or impair any defense against payment thereof. (Okla. Sched. 25, 37.)

Nothing in this article to impair or add to obligation of any debt contracted prior to constitution under laws of territory. (Utah XIV 7.)

May be bonded by county or subdivision thereof in sum not exceeding 4 per cent. on assessed value of taxable property in county as shown by last general assessment. (Wyo. XVI 3.)

Power to Incur Generally

County's power to incur debt to cease where county boundaries are same as city, or county is wholly included within city. (N.Y. VIII 10.)

Purpose

In General

Limited to "county purposes"; but county may make provision as authorized by law "for the aid or support of its poor". (N.Y. VIII 10.)

To be incurred solely for county purposes. (Utah XIV 4; Wash. VIII 6.)

No county to contract debt by loan in any form except for "erecting necessary public buildings and making or repairing public roads and bridges". (Colo. XI 6.)

No bonds to be issued for any purpose other than that stated in proposition submitted to taxpayers nor for a greater amount than therein stated, nor shall such bonds be issued for any purpose other than "for constructing,

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COUNTIES (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
In General (*Cont'd*)

improving and maintaining public roads and highways, paving and improving streets, roads and alleys, purchasing and constructing systems of water works, sewerage, drainage, navigation, lights, public parks and buildings, together with all necessary equipment and furnishings, bridges and other works of public improvement, the title to which shall rest in the subdivision creating the debt as the case may be". (La. 281 (1).)

Police juries of parishes "for the purpose of constructing highways and public buildings for the parish * * * and for all municipal improvements, after making provision for the payment of all statutory and ordinary charges may fund into bonds". (La. 281 (4).)

No county to borrow money except for erection of necessary public buildings or construction or repair of public roads and bridges. (N.M. IX 10.)

Legislature not to authorize counties to issue bonds for any purpose "except educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers and for litigation, quarantine and court expenses and for ordinary county purposes to support paupers and pay past indebtedness". (S.C. X 6.)

When any county or "city and county" adopts voting machines governing body may provide for payment thereof by issuing interest-bearing bonds, certificates of indebtedness or other obligations; not to be sold for less than par and payable at such times not exceeding 10 years as may be determined. (Colo. VII 8.)

Legislature may authorize county or political subdivision thereof or any number of adjoining counties to issue bonds or otherwise lend credit in limited amount when approved on referendum for irrigation, drainage or navigation improvements or for construction, maintenance and operation of paved roads and turnpikes. (Tex. III 52.)

Counties bordering on gulf may issue bonds for sea walls, breakwaters or sanitary purposes. (Tex. XI 7.)

Counties other than Philadelphia may contract debts to provide for interest and sinking fund charges during construction and until completion and operation for one year, of waterworks, subways, underground or street railways and appurtenances built by proceeds of county's obligations. (Pa. IX 15.)

Not to assume to pay any debt contracted directly or indirectly in aid of the Rebellion. (N.C. VII 13.)

Legislature not to authorize county to contract debt for construction of railroad. (Wyo. III 39.)

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Purpose (*Cont'd*)

Aid to Private or Corporate Enterprise

For prohibition on ownership of securities of private corporation, or donations or appropriations to such corporations, See above, this title, "POWERS AND RIGHTS — RESTRICTIONS UPON — STOCK AND BOND HOLDING" *and* "FINANCES — EXPENDITURES — AID TO PRIVATE ENTERPRISE".

Legislature not to authorize to lend credit to or in aid of individual, association or corporation by issuing bonds or otherwise. (Ala. IV 94.)

Not to give or lend credit in aid of individual, association or corporation. (Ariz. IX 7.)

Not to lend credit for any purpose whatever; and no municipality to grant financial aid toward construction of railroads or other private enterprises operated by any private person or corporation. Not to obtain money for or lend credit to corporation, association, institution or individual. (Ark. XVI 1, XII 5.)

Legislature not to authorize giving or lending credit of county or of "city and county" in aid of any person, association or corporation or pledge credit thereof for payment of liabilities of any individual, association or corporation. But city and county of San Francisco authorized to incur not exceeding $5,000,000 debt in aid of Panama Exposition, proceeds to be paid to exposition company. (Cal. IV 31.)

Alameda county authorized on vote of two-thirds electors to incur not exceeding $1,000,000 debt in aid of Panama Exposition. (Cal. XI 18.)

Not to lend or pledge credit or faith in any manner to or in aid of any person, company or corporation for any amount or for any purpose, "public or private", or become responsible for any debt, contract or liability of any person, company or corporation, "public or private", in or out of state. (Colo. XI 1.)

Not to lend credit directly or indirectly in aid of any railroad corporation; but this not to affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Not to lend credit or assume debt of any private corporation, person or company. (Del. VIII 8.)

Legislature not to authorize loan of credit to any corporation, association, institution or individual. (Fla. IX 10; Pa. IX 7.)

Legislature not to authorize loans of credit to individual, association or corporation. (Mo. IV 47; Okla. X 17.)

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COUNTIES (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)
Legislature not to authorize to lend credit to corporation, company, association, institution or individual, except for purely charitable purposes. (Ga. VII Sec. VI 1.)
Not to lend or pledge credit or faith in any manner to or in aid of any individual, association or corporation for any amount or any purpose or become responsible for the debt, contract or liability of any individual, association or corporation in or out of state. Not to raise money for or lend credit, by vote of citizens or otherwise, to or in aid of any joint-stock company, corporation or association. (Ida. VIII 4, XII 4.)
Loan of credit in aid of railroad or private corporation forbidden. (Ill. Amend. 1870. Municipal subscriptions to corporations, separately submitted.)
Not to lend credit to nor borrow money for purpose of taking stock in any incorporated company. (Ind. X 6.)
Legislature not to authorize county or subdivision thereof to obtain money for or lend its credit to any corporation, association or individual except for purpose of contracting or maintaining bridges, turnpike roads or gravel roads. (Ky. 179.)
No county to give or lend credit to or in aid of association or corporation, unless authorized by act of legislature published two months before next election of lower house, in newspapers of county, and approved by majority of all members elected to each house at next session after said election. (Md. III 54.)
Debt "to aid in the construction or equipment of any or all railroads" limited in amount to 5 per cent. of value of taxable property in county. (Minn. IX 15.)
Not to lend credit in aid of railroad or other corporation or association. (Miss. VII 183.)
Not to lend credit to railroad or other corporation or association or to any "college or institution of learning or other institution, whether created for or to be controlled by the state or others". Authority previously conferred by legislature or by corporate charter repealed; but this does not prevent issue of renewal bonds or other means of paying subscription to corporate stock approved by people prior to constitution or other means to pay such subscription or then existing debt. (Mo. IX 6.)
Not to give or lend credit in aid of individual, association or corporation. Legislature not to authorize county to contract debt or obligation for or give or lend credit to or in aid of construction of railroad. (Mont. V 38.)

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Purpose (*Cont'd*)

Aid to Private or Corporate Enterprise (*Cont'd*)

Not to make "donations" to "railroad or other works of internal improvement", unless proposition therefor first submitted to qualified electors at election by authority of law; such donations of a county, together with donations of subdivisions in the county not to exceed in the aggregate 10 per cent. of assessed valuation of county; county may by two-thirds vote increase such debt 5 per cent. in addition to such 10 per cent.; no bonds or other evidences of such debt to be valid unless indorsed with certificate signed by secretary and auditor of state, showing that same is issued pursuant to law. (Nebr. XII 2.)

Not to lend credit in aid of any joint-stock company, corporation or association except railroad corporations, companies or associations. (Nev. VIII 10.)

Not to lend credit to any individual, association or corporation, or become security for any association or corporation. (N.J. I 19.)

Except as otherwise provided in constitution, county not to lend or pledge its credit directly or indirectly in aid of any person, association or corporation or of any private enterprise for construction of railroad; this not to be construed to prohibit care of sick and indigent persons; and not to prevent issue of bonds to pay or refund valid bonds of county. (N.M. IX 14, 15.)

Not to lend its credit to or in aid of any individual, association or corporation; but this not to prevent making such provision for aid and support of its poor as may be authorized by law. (N.Y. VIII 10.)

Credit not to be given or loaned to or in aid of any individual, association or corporation, except for necessary support of poor. (N.D. XII 185.)

No law to authorize raising money for or lending credit to any company or association by vote of citizens or otherwise; but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)

Not to raise money for or lend credit to or in aid of any company, corporation or association, by vote of citizens or otherwise. (Ore. XI 9.)

County not to lend or give credit to or in aid of, or become responsible for debt or liability of, individual, association or corporation, except for necessary support of poor. (S.D. XIII 1.)

Credit not to be loaned or given to or in aid of any person, company, association or corporation, except on assent of three-fourths of qualified voters voting at election thereon. (Tenn. II 29.)

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COUNTIES (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)

Not to lend credit to any private corporation or association; but this not to affect obligations undertaken pursuant to law prior to adoption constitution. Legislature not to authorize county to lend credit to any individual, association or corporation; but legislature may authorize county or political subdivision thereof, or any number of adjoining counties, to issue bonds or otherwise lend credit in any amount not exceeding one-fourth of assessed valuation of real property thereof when approved on referendum by two-thirds resident property taxpayers voting on question, who are qualified electors, in aid of irrigation, drainage or navigation improvements or in aid of the construction, maintenance and operation of paved roads and turnpikes. (Tex. III 52.)

Legislature not to authorize county to lend credit in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Not to grant credit "under any devise or pretense whatsoever" to or in aid of any person, association or corporation. (Va. XIII 185.)

Not to lend money or credit to or in aid of individual, association, company or corporation "except for the necessary support of the poor and infirm". (Wash. VIII 7.)

Not to give or lend credit to individual, association or corporation except for necessary support of poor. (Wyo. XVI 6.)

Credit not to be given or loaned in aid of "construction" of railroad or in aid of railroad or telegraph lines; but this does not affect obligations contracted prior to adoption of constitution. (Wyo. III 39, X Railroads 5.)

Aid to Municipal or Public Corporation

Legislature not to authorize giving or lending credit of county or of "city and county" in aid of any municipal corporation or to pledge credit thereof for payment of liabilities of any municipal corporation. (Cal. IV 31.)

Not to become responsible for any debt, contract or liability of any corporation "public or private" in or out of state. (Colo. XI 1.)

Except as otherwise provided in constitution, county not to lend or pledge credit, directly or indirectly, to or in aid of any public corporation; but this not to prohibit county making provision for care of sick and indigent persons; and not to prevent issue of bonds to pay or refund valid bonds of county. (N.M. IX 14, 15.)

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur

Private, local or special legislation authorizing issuance of bonds or other securities forbidden unless authorized before enactment such law by vote qualified electors thereof at election held for purpose in manner prescribed by law; but legislature may without such election pass special laws to refund bonds issued before ratification constitution. (Ala. IV 104.)

Legislature may pass general laws authorizing counties to issue bonds; but none to be issued under such general laws unless first authorized by majority vote by ballot of qualified voters thereof voting on proposition. Special provision for form of ballot. This not to apply to renewal, refunding or reissuing of bonds lawfully issued or authorized by law enacted prior to ratification constitution; and not to apply to obligations incurred or bonds to be issued to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is assessed in whole or part against property abutting said improvements or drained by such sewers. (Ala. XII 222.)

Not to incur debt in excess of 4 per cent. of taxable property without assent of majority of property taxpayers who are also qualified electors voting at election provided by law to be held for the purpose. (Ariz. IX 8.)

Not to incur in any manner or for any purpose indebtedness or liability "exceeding in any year the income and revenue provided for such year", unless proposition to incur such debt is approved by two-thirds of qualified electors voting at election held for that purpose. Except as provided in constitution, indebtedness incurred contrary to this provision to be void. (Cal. XI 18.)

Aggregate debt limited to twice the amount of "rates upon the taxable property", unless in manner provided by law question of incurring such debt is submitted at general election to qualified voters of county who in year last preceding election paid a tax on property assessed for such county and unless majority of those voting thereon shall approve incurring such debt. (Colo. XI 6.)

Counties having outstanding warrants or bonds for specified purposes on December 31, 1886, authorized to issue refunding bonds provided majority of taxpaying qualified electors voting on proposition at general or special election approve. Such election to be held and bonds issued in manner provided by laws of state for issuance of road, property and public building bonds. (Colo. XI 6.)

Not to incur new debt except for temporary loan to supply casual deficiencies of revenue, which shall not exceed one-fifth of 1 per cent. of assessed value of taxable property therein, without assent two-thirds qualified voters at election for purpose held as prescribed by law. (Ga. VII Sec. VII 1.)

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

Not to incur any debt or liability in any manner, for any purpose, "exceeding in that year" income and revenue provided for it for such year without assent two-thirds qualified electors thereof voting at election held for purpose. Any debt or liability incurred contrary to this provision to be void, but this not to be construed "to apply to the ordinary and necessary expenses authorized by the general laws of the state". (Ida. VIII 3.)

Not to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue for that year without consent of two-thirds voters voting at election held for the purpose. Indebtedness contracted in violation of this provision to be void and not to be assumed by municipality or enforcible against persons contracting. (Ky. 157.)

No bonds to be issued unless authorized by vote of majority "in number and amount of the property taxpayers" qualified to vote and who vote at election held for purpose after due notice by newspaper publication as specified. Similar and detailed provisions for renewal and refunding bonds. (La. 281 (1), (6).)

No county to contract debt or obligation for construction of railroad, canal or other work of internal improvement, unless authorized by act of legislature published for two months before next election of members lower house, in newspapers of county, and approved by majority of all members elected to each house at next session after said election. (Md. III 54.)

Debts for construction or repair of public buildings or bridges in excess of one-tenth of a mill on assessed valuation not to be incurred without submission to voters and approval of majority of those voting thereon. (Mich. VIII 10.)

Not to be allowed to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue provided in such year without assent two-thirds voters thereof, voting at election held for purpose. This not to apply to counties having cities of 100,000 or more inhabitants. (Mo. X 12.)

Not to incur any debt or liability for a single purpose to an amount exceeding $10,000 without approval of majority of electors voting at election to be provided by law. (Mont. XIII 5.)

No debt in aid of railroad or other works of internal improvement to be incurred unless proposition first submitted to qualified electors at election by authority of law. (Nebr. XII 2.)

No county to borrow money until proposition has been approved by qualified electors of county who paid a property tax therein during preceding year voting at election to which submitted.

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

This not to prevent issue without submission to voters of bonds to pay or refund valid bonds of county. (N.M. IX 10, 15.)

No debt to be contracted nor faith or credit pledged unless "by a vote" of majority of qualified voters. (N.C. VII 7.)

Not to be allowed to become indebted in any manner, for any purpose, to amount exceeding in any year income and revenue provided in such year without assent three-fifths voters thereof voting at election held for purpose. (Okla. X 26.)

Debts for building and maintaining permanent roads to be approved by majority of those voting on question. (Ore. XI 10.)

Not to incur any new debt or increase its indebtedness to amount exceeding 2 per cent. on assessed valuation of taxable property without assent of electors thereof at public election in manner provided by law. (Pa. IX 8.)

Debts may be incurred "for the purpose of providing water and sewerage for irrigation, domestic uses, sewerage, and other purposes"; but no debt to be incurred "for any of the purposes in this section provided" unless authorized by vote of majority of electors. County not to be included in district or subdivision by which debt is incurred without majority vote of electors of such county in favor thereof. (S.D. XIII 4.)

Legislature may authorize county or political subdivision thereof or any number of adjoining counties to issue bonds or otherwise lend its credit in any amount not exceeding one-quarter of assessed valuation of real property of said district or territory when approved by two-thirds resident property taxpayers voting on question who are qualified electors of such district or territory for purposes specified. (Tex. III 52.)

No county or subdivision thereof to incur debt in excess of taxation for current year unless majority of such qualified electors as shall have paid a property tax in the preceding year shall approve proposition to create such a debt. (Utah XIV 3.)

Not to become indebted in excess of 1½ per cent. of taxable property in county without assent of three-fifths voters voting at election held for that purpose. (Wash. VIII 6.)

No debt to be contracted unless all questions connected therewith shall have been approved by three-fifths of votes cast for and against on submission to people. (W.Va. X 8.)

No debt in excess of taxes for current year to be created by county or "subdivision thereof" in any manner unless approved by vote of people on proposition submitted. (Wyo. XVI 4.)

Limit of Amount

Not to become indebted in amount including present indebtedness exceeding 3½ per cent. of assessed value of property therein. This not to affect debt in excess of 3½ per cent. created or

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COUNTIES (*Cont'd*)
DEBT (*Cont'd*)
Limit of Amount (*Cont'd*)

authorized by law prior to adoption constitution; county, which at such time has incurred debt exceeding 3½ per cent. authorized to incur 1½ per cent. in addition; this section not to prevent county issuing bonds or other obligations to refund indebtedness existing or authorized time adoption constitution. (Ala. XII 224.)

Not to become indebted for any purpose in any manner to amount exceeding 4 per cent. of value of taxable property, ascertained by last assessment for state and county purposes previous to incurring debt, without referendum; but under no circumstances to become indebted to amount exceeding 10 per cent. of taxable property shown by the last assessment roll. (Ariz. IX 8.)

Amount of debts contracted in any one year for buildings, roads and bridges, not to exceed "the rates upon the taxable property in such county" as follows: $1.50 on each $1,000 in any counties where assessed valuation of taxable property exceeds $5,000,000; $3 on each $1,000 in counties having less than $5,000,000 assessed valuation. (Colo. XI 6.)

Aggregate debt of any county for all purposes exclusive debts contracted prior adoption constitution not at any time to exceed twice amount of "rates upon the taxable property" which are limited as follows: $1.50 per $1,000 in counties having assessed valuation exceeding $5,000,000; $3 per $1,000 in counties having less than $5,000,000; unless in manner provided by law question of incurring such debt is approved on referendum. (Colo. XI 6.)

Debt authorized on referendum to taxpaying qualified electors not to be contracted at any one time in an amount exceeding twice the following limited rates: $1.50 in county having over $5,000,000 taxable assessed valuation and $3 in counties having less than $5,000,000. (Colo. XI 6.)

Except as otherwise provided in constitution, not to exceed 7 per cent. assessed value taxable property therein. (Ga. VII Sec. VII 1.)

Not to be allowed to become indebted in any manner or for any purpose to an amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein, to be ascertained by last assessment for state and county taxes previous to incurring debt. (Iowa XI 3; Wis. XI 3.)

Same; with addition of provision excepting bonds already authorized from operation of this limitation. (Ill. XI 12; W.Va. X 8.)

Not to be authorized or permitted to incur debt to amount including existing debt in aggregate exceeding 2 per cent. of value of taxable property therein, ascertained by assessment next before last assessment previous to incurring debt. Debts

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

in excess of this limit may be contracted when authorized by laws in force prior to adoption of constitution or when necessary for completion and payment for public improvement undertaken and not completed and paid for at time of adoption; any county debt which exceeds limit at time adoption constitution not to increase debt more than 1 per cent. in aggregate of value of taxable property therein until debt reduced within limit and thereafter not to exceed limit "unless in case of emergency, the public health or safety should so require". Renewal bonds or bonds to fund floating indebtedness not prevented by this limitation. (Ky. 158.)

Board of supervisors may borrow one-tenth of mill on assessed valuation for construction or repair of public buildings or bridges; if assessed valuation less than $10,000,000 board may borrow $1,000; but not to borrow greater sum for such purposes without submission to voters and approval of majority of those voting thereon. (Mich. VIII 10.)

No indebtedness to be incurred which will increase total beyond 3 per cent. of assessed valuation except that counties having $5,000,000 or less of assessed valuation may increase their total to 5 per cent. thereof. (Mich. VIII 12.)

Legislature not to authorize issue of bonds or incurring indebtedness in any manner "to aid in the construction or equipment of any or all railroads" to an amount exceeding 5 per cent. of value of its taxable property; such value to be ascertained by last assessment for state and county taxes previous to incurring debt. (Minn. IX 15.)

Not to be allowed to incur debt, even when approved by voters on referendum, to an amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein; value of such property to be ascertained by assessment next before last assessment for state and county purposes previous to incurring debt; this not to apply to counties having 100,000 or more inhabitants. With same assent of voters county may be allowed to become indebted in excess of the limit stated for erection of courthouse or jail, or for grading, constructing, paving or maintaining paved, gravel, macadamized or rock roads and necessary bridges and culverts therein. (Mo. X 12.)

Corporate authority of any county having more than 200,000 inhabitants which has exceeded its limit of debt not to incur further bonded debt except for renewal of other bonds "until such excess of indebtedness ceases". But corporate authorities of such county "may, in anticipation of the customary annual revenue thereof, appropriate during any fiscal year toward the general governmental expenses thereof a sum not exceeding seven-eighths of the entire revenue applicable to

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

general governmental purposes (exclusive of the payment of the bonded debt of such county) that was actually raised by taxes alone during the preceding fiscal year". (Mo. IX 19.)

No county to be allowed to be indebted in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 5 per cent. of value of taxable property therein; to be ascertained by last assessment for state and county taxes previous to incurring debt; bonds or obligations in excess of such amount to be void; and no county to incur any indebtedness or liability for a single purpose to amount exceeding $10,000 without referendum. (Mont. XIII 5.)

Debt in aid of railroad or other works of internal improvement together with similar debt of subdivisions of county not to exceed in aggregate 10 per cent. of assessed valuation of county; county may by two-thirds vote increase such debt 5 per cent. in addition to said 10 per cent. (Nebr. XII 2.)

Not to become indebted to amount in aggregate including existing debt exceeding 4 per cent. of value of taxable property within county, ascertained by last preceding assessment for state or county purposes. Bonds or obligations issued in excess of this limit to be void, but this not to prevent issue of bonds to pay or refund valid bonds of county. (N.M. IX 13, 15.)

Not to be allowed to become indebted for any purpose or in any manner to an amount which including existing indebtedness shall exceed 10 per cent. of assessed value of real estate therein subject to taxation as it appeared on assessment rolls thereof on last assessment for state and county taxes prior to incurring debt; debts in excess of this limit to be "absolutely void" except as otherwise provided in constitution. (N.Y. VIII 10.)

Debts existing time adoption constitution in excess of limit of amount fixed by constitution not to be void; but no further debt to be incurred until indebtedness reduced within limit. (N.Y. VIII 10.)

Prohibition of debt in excess of limit not to prevent issuing "certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes". (N.Y. VIII 10.)

Prohibition of debt in excess of limit not to prevent issue of bonds "to provide for the supply of water", but such bonds issued in excess of the debt limit shall be for a term not exceeding 20 years; and a sinking fund for their redemption shall be created on issuance by raising an annual sum which will produce an amount equal to principal and interest on maturity. (N.Y. VIII 10.)

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

"Donations" in aid of railroads or other works of internal improvement by county together with like "donations" by other "subdivisions" not in aggregate to exceed 10 per cent. of assessed valuation of county; but county may by two-thirds vote increase "such indebtedness" 5 per cent. in addition to such 10 per cent. (Nebr. XII 2.)

Shall never exceed 5 per cent. of assessed value of taxable property therein, and bonds or obligations in excess of the limit to be void. In estimating existing debt its entire amount whether contracted prior or subsequent to adoption of constitution to be included. (N.D. XII 183.)

Not to be allowed to incur debt to amount including existing debt in aggregate exceeding 5 per cent. valuation taxable property therein to be ascertained from last assessment for state and county purposes previous to incurring debt. This not to "apply" to debt created or bonds issued to pay existing debt under territory. (Okla. X 26, Sched. 25.)

No debt to be contracted which singly or in aggregate exceeds $5,000 except to suppress insurrection or repel invasion or to build and maintain permanent roads within county; debts for such roads must be approved by majority of those voting on question and in aggregate with other debts for same purpose shall not exceed 2 per cent. of assessed valuation of all property in county. (Ore. XI 10.)

Except as provided in constitution, never to exceed 7 per cent. upon assessed value taxable property therein. In computing debt for the purpose of determining the right to become further indebted, debts incurred by "city and county" of Philadelphia after adoption constitutional provision for construction and development of subways or for authorized purposes or construction of wharves and docks or reclamation of land for construction of wharves and docks "as public improvements owned or to be owned" by the city and county and which yields to it current net revenue in excess of interest on such debt and the annual instalments necessary for its cancellation, may be excluded providing a sinking fund for the redemption of such debt be created and maintained. (Pa. IX 8.)

Any county other than Philadelphia may incur debt in excess of the constitutional limit of 7 per cent. but not exceeding 10 per cent. of the assessed valuation of taxable property therein if such increase assented to by three-fifths of electors voting at public election in manner provided by law. (Pa. IX 15.)

In computing existing debt in order to determine right to become further indebted obligations issued prior to adoption constitutional provision or thereafter issued by any county

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COUNTIES (*Cont'd*)
DEBT (*Cont'd*)
Limit of Amount (*Cont'd*)

other than Philadelphia, to provide for construction or acquisition of waterworks, subways, underground railways or street railways or appurtenances thereof not to be considered as "a debt within meaning of constitutional limitation on amount" if no revenue derived from said property for period of five years either before or after acquisition thereof or where constructed by county, for period of five years after completion thereof shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if said obligations be secured by lien upon the respective properties and shall impose no municipal liability. (Pa. IX 15.)

Not to exceed 8 per cent. assessed value taxable property therein and not to be authorized to increase bonded debt if existing bonded debt amounts to 8 per cent. of taxable property as ascertained by valuation of state taxes. When several political divisions or municipal corporations cover same territory each of such divisions or corporations to "so exercise its power to increase its debt" that aggregate debt upon any territory of state shall never exceed 15 per cent. of taxable property in such territory as valued for state taxes, but this not to prevent issue of bonds to refund valid municipal debt contracted in excess of the 8 per cent. limit prior adoption of constitution. (S.C. X 5.)

Never to exceed 5 per cent. of assessed valuation of taxable property therein for year preceding that in which debt is incurred; "in estimating amount of the indebtedness which a municipal subdivision may incur amount of indebtedness contracted prior to the adoption of the constitution shall be included". Additional debt not exceeding 10 per cent. upon assessed valution of taxable property for year preceding that in which debt incurred may be incurred "for the purpose of providing water and sewerage for irrigation, domestic uses, sewerage and other purposes". (S.D. XIII 4.)

Legislature may authorize county or political subdivision thereof or any number of adjoining counties to issue bonds or otherwise lend its credit in any amount not exceeding one-fourth of assessed valuation of real property of said district or territory when approved by two-thirds resident property taxpayers voting on question who are qualified electors of such district or territory for purposes specified; for irrigation, drainage or navigation improvements or in aid thereof, or for construction, maintenance and operation of paved roads and turnpikes or in aid thereof. This authorization to be in addition to all other county debts. (Tex. III 52.)

Even when authorized by vote of taxpaying electors, county not to become indebted "to an amount including existing in-

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

debtedness exceeding 2 per centum". This does not prevent contracting debt or issuing bonds under proposition submitted under laws of territory to qualified electors before constitution took effect; and not to impair obligation of debt contracted under laws of territory prior to adoption of constitution. (Utah XIV 4, 7.)

Not to become indebted for any purpose in any manner to amount exceeding 1½ per cent. of taxable property in county without assent of three-fifths voters voting at election held for that purpose. Even with such assent total indebtedness at any time not to exceed 5 per cent. on value of taxable property therein. Value of taxable property to be ascertained from last assessment for state and county purposes previous to incurring debt. (Wash. VIII 6.)

No county or subdivision thereof to create in any manner debt exceeding 2 per cent. on assessed value taxable property therein as shown by last preceding general assessment; but county or any subdivision thereof may bond its public debt existing at time adoption constitution in sum not exceeding 4 per cent. on assessed value of taxable property in county as shown by last general assessment. (Wyo. XVI 3, 5.)

Bonds

For exemption of from taxation, See TAXATION — EXEMPTIONS.

Any county or "city and county" issuing bonds under laws of state may make such bonds and interest thereon payable at any place or places within or outside of United States in any money, domestic or foreign, designated in said bonds. (Cal. XI 13½.)

Bonds issued in pursuance of approval on referendum of proposition to incur debts for specified county purposes not to "run less than ten years". (Colo. XI 6.)

Bonds not to run for longer period than 40 years from their date and not to bear interest at a greater rate than 5 per cent. per annum and not to be sold for less than par. Similar provision for renewal or refunding bonds. (La. 281 (1), (6).)

No bonds or other evidence of indebtedness in aid of railroad or other works of internal improvement to be valid unless indorsed with certificate signed by secretary and auditor of state showing that same is issued pursuant to law. (Nebr. XII 2.)

Bonds for buildings, roads and bridges not to be issued for term exceeding 50 years. (N.M. IX 10.)

No bond or evidence of debt to be valid unless indorsed with certificate of county auditor or other officer authorized by law that it is issued pursuant to law and within debt limit. (N.D. XII 187; Wyo. XVI 8.)

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COUNTIES (*Cont'd*)
DEBT (*Cont'd*)
Bonds (*Cont'd*)
No bond or evidence of debt of county or political subdivision thereof to be valid unless indorsed with certificate signed by county clerk or other duly authorized officer and the county attorney, stating that it is issued pursuant to law and is within debt limit. (Okla. X 29.)
Application of Proceeds
Moneys borrowed to be used only for purposes specified in law authorizing loan. (Ky. 178; Mont. XIII 3; Okla. X 16.)
Money borrowed to be applied to purpose for which obtained or to repay debt created therefor. (Mo. X 20; N.M. IX 9.)
Redemption and Interest
No debt in excess of revenue to be incurred unless at or before time of incurring provision be made for collection of annual tax sufficient to pay interest as it falls due and to constitute sinking fund for payment of principal on or before maturity. Except as provided in constitution, debt incurred contrary to this provision to be void; but city and county of San Francisco may make sinking fund provision to commence at a time after incurring debt not more than a period of one-fourth of time of maturity. (Cal. XI 18.)
Any county or "city and county" issuing bonds under laws of state may make such bonds and interest thereon payable at any place or places within or outside of United States and in any money, domestic or foreign, designated in said bonds. (Cal. XI 13½.)
Provision to be made at time of incurring any debt under provisions of constitution for assessment and collection of annual tax sufficient to pay principal and interest within 30 years from date of incurring debt. (Ga. VII Sec. VII 2.)
Not to incur any debt or liability unless at time of incurring such debt provision be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 20 years from time of contracting. (Ida. VIII 3.)
Provision to be made at or before time of incurring indebtedness for collection direct annual tax sufficient to pay interest and discharge principal within 20 years from time of contracting. (Ill. XI 12.)
Whenever authorized to create debt, county shall be at same time required to provide for collection of annual tax sufficient to pay interest and to create sinking fund for payment of principal within not more than 40 years from time of contracting. (Ky. 159.)
Each year while bonds are outstanding "governing authorities" to impose and collect in excess of other taxes a tax sufficient to pay interest annually or semi-annually and principal falling

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Redemption and Interest (*Cont'd*)

due each year, or such amount as may be required for any sinking fund necessary to retire said bonds at maturity, but such special tax not to exceed in any year 10 mills on dollar of assessed valuation of property therein. Similar and detailed provisions for refunding and renewal bonds. Any person in interest may by summary proceeding in district court enforce imposition and collection of such taxes; such proceeding to be tried without cost "to the litigant". (La. 281 (1), (5), (6).)

Before incurring debt requiring assent of voters, provision to be made for collection of annual tax sufficient to pay interest as due and to constitute sinking fund for discharge of principal within 20 years from time of contracting. (Mo. X 12.)

Provision to be made at or before incurring of debt for collection of annual tax sufficient to pay interest and principal when due. Law or ordinance making such provision to be irrepealable until debt paid. (N.D. XII 184.)

Before or at time of incurring debt in excess of income and revenue provision to be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 25 years from date of contracting. (Okla. X 26.)

County to levy "sufficient additional revenue" to create sinking fund to be used first, for payment of interest coupons; second, for payment of bonds; third, for payment of such parts of judgments as such municipality may by law be required to pay. (Okla. X 28.)

Provision to be made at or before incurring debt for collection of annual tax sufficient to pay interest and discharge principal within 30 years. (Pa. IX 10.)

Counties other than Philadelphia not required to levy tax for payment of interest and discharge of principal during construction and one year after on obligations issued for construction or acquisition of waterworks, subways, underground railways or street railways or appurtenances. (Pa. IX 15.)

At or before time of incurring debt, provision to be made for collection of annual tax sufficient to pay interest and principal when due; and all ordinances containing such provision to be irrepealable until debt paid. (S.D. XIII 5.)

No debt for any purpose to be incurred in any manner unless provision made at time creating for levying and collecting sufficient tax to pay interest and provide at least 2 per cent. as sinking fund. County or combination of counties or other subdivision incurring debts for purposes specified to levy and collect taxes to pay interest and provide sinking fund for their redemption. Special provision for taxes for interest and sinking fund for debts contracted prior adoption of constitution. (Tex. XI 7, III 52, XI 6.)

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COUNTIES (*Cont'd*)

DEBT (*Cont'd*)

Redemption and Interest (*Cont'd*)

Not to be allowed to become indebted without at same time providing for collection of direct annual tax sufficient to pay annual interest on such debt and principal thereof within not exceeding thirty-four years. (W.Va. X 8.)

Before or at time of incurring debt, provision required to be made "for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal thereof within 20 years from the date of contracting the same"; but indebtedness incurred by counties of 150,000 or more population for the acquisition of land "for public municipal purposes or for the permanent improvement thereof", the tax to be sufficient to pay principal within a period not exceeding 50 years. (Wis. XI 3.)

Method of Collecting — Execution

County property held only for public purposes, such as buildings and sites therefor, fire equipments, public grounds and property devoted exclusively to use of public exempt from "forced sale". This not to prevent enforcement of vendor's lien, mechanic's and builder's lien or other liens existing time adoption constitution. (Tex. XI 9.)

PUBLIC UTILITIES

See also above, this title, "POWERS AND RIGHTS—RESTRICTIONS UPON — STOCK AND BOND HOLDING", *and* "FINANCES — EXPENDITURES".

Right to collect rates or compensation for use of water supplied to county or inhabitants thereof "is a franchise and cannot be exercised except by authority of and in the manner prescribed by law". (Cal. XIV 2; Ida. XV 2.)

Powers of board of supervisors or other governing bodies of county respecting public utilities to cease so far as they conflict with powers conferred on state railroad commission by legislation enacted in pursuance of constitutional authorization. (Cal. XII 23.)

Railroad commission to have such jurisdiction as legislature confers on it to fix compensation to be paid for public utility property taken by county, and legislature to have plenary right "unlimited by any provision of this constitution" to confer such powers on commission. Previous legislation in accordance with this provision confirmed. (Cal. XII 23a.)

Legislature to provide by law that board of county commissioners in respective counties may, when application is made by other party interested, establish reasonable maximum rates to be charged for use of water whether furnished by individuals or corporations. (Colo. XVI 8.)

Before granting franchise, bids to be received after due advertisement and award to be to highest and best bidder; but all bids may be rejected. Not to be permitted to grant franchise or privilege or make any contract in reference thereto for more than 20 years. This does not apply to trunk railway. (Ky. 164.)

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COUNTIES (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Nothing in provision relating to powers of state corporation commission to impair rights conferred by law on authorities of county to prescribe rules, regulations or rates of charges by public service corporation in connection with services performed under county franchise so far as such services may be wholly within the limits of county granting franchises. (Okla. IX 18; Va. XII 156 (h).)

ROADS AND BRIDGES

For provisions respecting debts incurred for road purposes, See above, this title, DEBT — PURPOSE.

Legislature may extend aid for construction and maintenance of county highways. (Cal. IV 36.)

Legislature may provide by law for submitting question of adopting county road system but not to go into effect until approved by majority of electors of county voting thereon. (Mich. VIII 26.)

Legislature may provide by general law for laying out, construction and improvement of highways, bridges and culverts, and for such purpose counties to take charge and control of any highways within their limits. (Mich. VIII 26.)

Legislature not to vacate or alter any road laid out by commissioners of highways. (Mich. VIII 27.)

Legislature to provide for working public roads by contract or by county prisoners, or both, such law only to be put into operation by vote of board of supervisors in those counties where desirable. (Miss. IV 85.)

Legislature may require payment of proportionate part of cost of highway within county boundaries and proportionate part of interest thereon not exceeding thirty-five one hundredths of sinking fund for redemption highway debt. (N.Y. VII 12.)

Construction of bridges and laying out, construction and repair county roads to be provided for by general laws. (Tex. XI 2.)

CHARITABLE, CORRECTIONAL AND EDUCATIONAL INSTITUTIONS

See also above, this title, FINANCES — EXPENDITURES.

Legislature to require counties to make adequate provision for maintenance of poor. (Ala. IV 88.)

When county maintains institution for support dependent children and aged persons it is entitled to receive same *pro rata* appropriations as state grants to similar institutions under church or other control. (Cal. IV 22.)

County boards may provide farms as asylums to those who from "age, infirmity or other misfortune have claims upon the sympathy and aid of society". (Ind. IX 3.)

County to provide as may be prescribed by law for those inhabitants who by reason of age and infirmity or misfortune may have claim upon sympathy and aid of society. (Fla. XIII 3; Kan. VII 3; Mont. X 5; Nev. XIII 3; Okla. XVII 3; S.C. XII 3.)

Legislature to "make it obligatory upon every parish to support its infirm, sick and disabled paupers residing within its limits, pro-

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COUNTIES (*Cont'd*)

CHARITABLE, CORRECTIONAL AND EDUCATIONAL INSTITUTIONS (*Cont'd*)

vided that every municipal corporation to which the powers of the police jury do not extend shall support its own infirm, sick and disabled paupers". (La. 174.)

Each county may maintain infirmary for care and support of its indigent poor and unfortunate. (Mich. VIII 11.)

County poorhouses to be "designated and maintained" as county infirmaries. (Mich. VIII 11.)

May appropriate money separately or in conjunction with other counties for construction and maintenance "or assistance of public and charitable hospitals, sanitoria and other institutions for the treatment of persons suffering from contagious or infectious diseases". (Mich. VIII 11.)

"Board of supervisors shall have power to provide homes or farms as asylums for those persons who by reason of age, infirmity or misfortune may have claims upon the sympathy and aid of society". Legislature to enact laws to prevent abuses by those having care of such persons. (Miss. XIV 262.)

Nothing in constitution to prevent provision for "care, support, maintenance and secular education of inmates of orphan asylums, homes for dependent children or correctional institutions whether under public or private control". (N.Y. VIII 14.)

Legislature may authorize but not require payments to "charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for care, support and maintenance"; but only for inmates received and retained pursuant to rules of state board of charities, which rules are subject to legislative control by general laws. (N.Y. VIII 14.)

State board of charities to visit and inspect charitable and correctional institutions; but this not to be exclusive of other visitation and inspection authorized by law at time of adoption of constitution. Existing laws relating to such institutions and their supervision and inspection not inconsistent with constitution to remain in force until amended or repealed by legislature. (N.Y. VIII 11, 13.)

State commissioner of charities and corrections to investigate and examine condition and management of prisons, jails, almshouses, reformatories, reform and industrial schools, hospitals, infirmaries, dispensaries, orphanages and all public and private retreats and asylums which derive support from county; officers of such institutions to give the information demanded by commissioner. Commissioner has full power to summon witnesses and administer oaths; commissioner's report to governor to be transmitted to legislature. (Okla. VI 28.)

Establishment of county poorhouses and farms to be provided for by general law. (Tex. XI 2.)

May provide in manner prescribed by law a manual labor poorhouse and farm "for taking care of, managing, employing and supplying the wants" of indigent and poor inhabitants. (Tex. XVI 8.)

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COUNTIES (*Cont'd*)

BOARDS OF HEALTH

Legislature to establish in all counties when necessary. (Fla. XV 1.)

To have powers such as legislature prescribes and to be under supervision of state board to such extent as legislature prescribes. (Fla. XV 3.)

COUNTY ATTORNEYS, *See* PROSECUTING ATTORNEYS.

COURTS

See also DISTRIBUTION OF POWERS.

ABOLISHMENT

Of a particular class of courts, See throughout this title.

Any court inferior to highest court (except probate court), may be abolished whenever its jurisdiction and functions have been conferred upon some other court. (Ala. VI 171.)

Separate criminal courts abolished. (Ark. VII 45.)

All courts not specially mentioned by name in first section of this article (those mentioned are supreme court, court of appeals, superior courts, courts of ordinary, justices of peace, and commissioned notaries public), may be abolished in any county. (Ga. VI Sec. XX 1.)

Supreme court at St. Louis and St. Joseph abolished. (Mo. VI 21.)

Legislature may abolish inferior courts established by it. (Miss. VI 172.)

Legislature may alter or abolish such inferior courts as now exist. (N. J. VI Sec. I 1.)

Circuit courts and courts of oyer and terminer; superior court of city of New York, court of common pleas for the city and county of New York, superior court of Buffalo and city court of Brooklyn; courts of session except in county of New York. (N.Y. VI 5.)

Courts of *nisi prius*, presided over by judge of highest court, abolished. (Pa. V 21.)

ACTIONS

By or against corporations, *See* CORPORATIONS.

For injuries, *See* INJURIES, *and cross references there given.*

For death, *See* DEATH.

Suits against state, *See* SUITS AGAINST STATE.

Limitation of, *See below, this title,* LIMITATION OF ACTIONS.

Pleading, *See below, this title,* PLEADING.

Procedure, *See below, this title,* PROCEDURE.

Survival of, *See below, this title,* PROCEDURE.

Trials, *See below, this title,* TRIALS.

Venue, *See below, this title,* TRIALS.

No person to be barred from prosecuting or defending before any tribunal, by himself or counsel, any civil cause to which he is party. (Ala. I 10; Ga. I Sec. I 4; Miss. III 25; Utah I 11.)

Suitor to have right to prosecute or defend suit personally or by attorney or agent of his choice. (Mich. II 12; Wis. VII 20.)

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COURTS (*Cont'd*)

ACTIONS (*Cont'd*)

Distinctions between actions at law and suits in equity, and forms of all such actions and suits prohibited; to be but one form of action for enforcement or protection of private rights and redress of private wrongs, called a civil action. (Ida. V 1; N.C. IV 1.)

Commission provided for to, as far as practical, abolish distinct forms of action at law and provide uniform mode of proceeding without any distinction between law and equity. (Ind. VII 20; Ohio XIV 1, 2, 3.)

To be but one form of civil action, and law and equity to be administered in same action. (Mont. VIII 28; Nev. VI 14; Utah VIII 19.)

Justice to be administered in uniform mode of pleading without distinction between law and equity. (S.C. VI 3.)

Distinction between law and equity to be abolished by legislature as far as practicable. (Mich. VII 5.)

No judgment or decree in any chancery or general trial court rendered in civil case to be reversed or annulled on ground of want of jurisdiction to render such judgment or decree, from error or mistake as to whether cause in which rendered was in equity or common-law jurisdiction, but if highest court finds error in proceedings other than as to jurisdiction, and it is necessary to remand case, it may remand it to any court which, in its opinion, can best determine controversy. (Miss. VI 147.)

Act of legislature not to affect right or remedy of either party in pending case. (N.M. IV 34.)

After suit commenced on cause of action legislature to have no power to take away such cause of action or destroy existing defense. (Ala. IV 95.)

Any provision of express or implied contract stipulating for notice or demand, other than such as provided by law, as a condition precedent for any claim, demand or liability, to be void. (Okla. XXIII 9.)

Local or special law prohibited. (La. 48.)

No religious or political test oath to be required as prerequisite to sue. (W.Va. III 11.)

Grants of land within state made by king of Great Britain or person acting under his authority, after October 14, 1775, to be null and void, but "nothing contained in this constitution" shall impair any suits, actions or rights of actions, or other proceedings in courts of justice. (N.Y. I 17.)

Nothing contained in constitution to affect suits, actions, rights of actions, or other proceedings in courts of justice. (Tenn. XI 2.)

ADMINISTRATION OF JUSTICE, *See* ADMINISTRATION OF JUSTICE.

ALDERMEN, *See below, this title,* JUSTICES OF PEACE.

APPEALS

For organization and jurisdiction of courts of general appellate jurisdiction (other than highest court), See below, this title, "INTERMEDIATE COURTS OF APPEAL"; *for appeals to or from a particular class of courts, See throughout this title.*

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COURTS (*Cont'd*)

APPEALS (*Cont'd*)

Right to

Conclusiveness of fact found by jury, *See* JURIES — VERDICT.

Writs of error never to be prohibited by law. (Wis. I 21.)

Writ of error to be writ of right in all cases of felony. (Nebr. I 23.)

Accused to have right of appeal in all cases. (Ariz. II 24; Utah I 12; Wash. I 22.)

Political or religious test oath not to be required as perquisite to appeal. (W.Va. III 11.)

In cases prescribed by legislature. (Nev. VI 8.)

To be preserved in trials of petty crimes without jury. (N.C. I 13; Va I 8.)

Judges of inferior courts of law or equity may in civil cases issue writs of certiorari to remove cause or transcript thereof from any inferior jurisdiction into such "court of law" on sufficient cause, supported by oath or affirmation. (Tenn. VI 10.)

Either party to have right of appeal to court of record prosecuted by law in all cases of summary conviction or of judgment in suit for a penalty before a magistrate or court not of record, upon allowance of appellate court or judge thereof upon cause shown. (Pa. V 14.)

State to have no right of appeal in criminal cases. (Tex. V 26.)

State to have right of appeal in all cases relating to state revenue. (Va. I 8; W.Va. VIII 3.)

Procedure

To be regulated by legislature. (Nev. VI 8.)

Legislature to provide proper system of appeals. (Ida. V 13; N.C. IV 12.)

Appeal to act as supersedeas to stay sentence of death until further order of supreme court. (Nebr. I 23.)

Appeal from judgment on reconventional or incidental demand lies to court having jurisdiction of main demand. (La. 95.)

In Condemnation Proceedings, *See* EMINENT DOMAIN — ASSESSMENT OF COMPENSATION — APPEAL.

APPOINTMENTS BY

Legislature not to confer on court power of appointing, except as provided in constitution. (W.Va. VI 40.)

ARBITRATION COURTS

See also ARBITRATION.

May be established with powers and duties as prescribed by law; or power and duties of same may be conferred upon other courts. Judgments of such tribunals or other courts shall not be obligatory on parties unless they voluntarily submit matters of difference and agree to abide by judgment. (Ind. VII 19; N.D. IV 12.)

Legislature may establish with powers and duties prescribed by law. (Mich. XVI 7.)

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COURTS (*Cont'd*)

ARBITRATION COURTS (*Cont'd*)

Legislature may establish and prescribe powers and duties; judgment not final in any case except upon submission by parties of matter in dispute and their agreement to abide by judgment. (Ohio IV 19.)

Legislature shall pass laws for regulation of arbitration courts, defining their powers and duties; may be established in and for any township; power to render judgment obligatory on parties when they voluntarily submit differences and agree in writing to abide by judgment. (Wis. VII 16.)

Legislature to establish courts of arbitration to hear and determine differences and controversies between organizations of laborers and their employers, which shall be submitted to them in manner prescribed by law; appeals from decisions of compulsory boards of arbitration to be allowed to highest court; manner of taking appeals to be prescribed by law. (Wyo. XIX Boards of Arbitration 1, V 28.)

ARBITRATORS

Legislature not to pass local or special law regulating jurisdiction or practice of, or changing rules of evidence in any judicial proceeding or inquiry before. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

ASSOCIATE JUDGES OF STATE

Applies to Delaware only; judges are not judges of any one court. For provisions dealing with associate judges generally, See below, this title, "JUDGES", and the subhead "JUDGES" under the various classes of courts throughout this title.

Four judges to be appointed from any part of state. One may reside in any part of state; each of others to reside in each of three counties of state; appointed by governor with consent of majority of members elected to senate, for term of 12 years. If two or more are commissioned on same date, seniority determined by lot; result certified to governor. Oath must be taken as prescribed by amended constitution. Compensation as provided by law; not less than $3,000; payable quarterly by state; fees or perquisites in addition to salary provided by law, prohibited. Vacancies filled by appointment of governor with consent of senate, if not in session, governor shall, within 30 days after happening of vacancy, convene same for confirmation of appointment; vacancy filled for full term. Judges to hold no other office of profit; to exercise all powers which any law vests in judges singly of general trial courts for civil cases only. (Del. IV 2, 3, 4, 21.)

AUDITORS

Legislature not to pass local or special law regulating jurisdiction or practice of, or changing rules of evidence in any judicial proceeding or inquiry before. (Pa. III 7.)

BAILIFFS

"High bailiff" elected in same manner as senators; term of office to commence first day of February next after election, serving

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COURTS (*Cont'd*)

BAILIFFS (*Cont'd*)

for two years. Before entering on duties must give bond of sufficient security to treasurer of respective counties, before one judge of highest court or two assistant judges of county court in their respective counties in such sum and manner as provided by law. (Vt. II 25, 48, 49.)

BALTIMORE COURTS

Detailed provisions for. (Md. IV 27 *et seq.*)

TO BE OPEN

Courts to be open to every person. (Colo. II 6; Ida. I 18; Mo. II 10; Mont. III 6; Okla. II 6.)

Courts to be open. (Ala. I 13; Conn. I 12; Del. I 9; Fla. D.R. 4; Ind. I 12; Ky. 14; Miss. III 24; Nebr. I 13; N.C. I 35; N.D. I 22; Ohio I 16; Pa. I 11; S.D. VI 20; Tenn. I 17; Tex. I 13; Utah I 11; W.Va. III 17; Wyo. I 8.)

Courts to be public. (S.C. I 15.)

Courts not to be secret. (Ore. I 10.)

CHANCELLOR OF STATE

Applies to Delaware only. In that state the chancellor is appointed as such and not as judge of any particular court.

See also below, this title, CHANCERY COURTS.

For provisions referring to all judges, See below, this title, JUDGES.

Appointed by governor by and with consent of majority of all members elected to senate; may be appointed from and reside in any part of state; term of office 12 years; in case vacancy occurs when senate shall not be in session governor shall convene the senate within 30 days for confirming appointment. Vacancy to be filled for full term. Compensation fixed by law and paid quarterly, not less than $3,000 annually. Fees and perquisites in addition to salaries prohibited for business done except as provided by law, and prohibition against holding any other office for profit. Chancellor to hold court of chancery. To exercise all powers which any law vests in chancellor, also powers of court of chancery. (Del. IV 2, 3, 4, 10, 21.)

CHANCERY COURTS

Clerks

See also below, this title, CLERKS.

Compensation

As provided by law, to be uniform throughout state. (Ala. VI 163.)

Duties

As provided by law for duties to be performed during vacation; subject to approval of court. (Miss. VI 168.)

How Selected

Appointed as provided by law. (Miss. VI 168.)

Appointed by chancellor. (Tenn. VI 13.)

Appointed by governor with consent of senate. (N.J. VII Sec. II 4.)

Appointed by judge of respective districts. (Ala. VI 163.)

Elected by qualified electors of respective counties at general election. (Del. III 22.)

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COURTS (*Cont'd*)

CHANCERY COURTS (*Cont'd*)

Clerks (*Cont'd*)

Location of Office

To keep office in town or place in each county in which general trial court is held. (Del. III 23.)

Qualifications

Residents of district for at least 12 months prior to appointment. (Ala. VI 163.)

Removal

By judges for cause; to be entered at length upon minutes of court. (Ala. VI 163.)

Residence

In respective districts. (Ala. VI 163.)

Term of Office

Four years. (Del. III 22; Miss. VI 168.)

Five years. (N.J. VII Sec. II 4.)

For term for which judge making appointment was elected or appointed. (Ala. VI 163.)

Establishment, *See below, this title,* ESTABLISHMENT.

Judges

See also above, this title, CHANCELLOR OF STATE.

See also below, this title, JUDGES.

Ad Litem Appointees

If judge incompetent to act, parties or their attorneys to agree on practicing lawyer to act; if parties cannot agree, or one of them is not represented in court, clerk to appoint special judge who shall preside, try and render judgment; legislature may prescribe other methods for supplying special judges. (Ala. VI 160.)

If judge unable or disqualified to preside, or if attorneys engaged in case cannot agree upon member of bar to preside *ad litem*, governor to commission another of law knowledge to preside. (Miss. VI 165.)

If chancellor interested or disqualified, chief justice of state to have jurisdiction. (Del. IV 16.)

If chancellor absent from state, or in case of his temporary disability, chief justice of state, or in his absence, senior associate judge, may grant restraining orders and preliminary injunctions according to rules of chancery court, provided that nothing herein contained construed to confer jurisdiction over case. (Del. IV 17.)

Legislature to provide for holding court when judges fail to attend regular terms. (Ala. VI 161.)

Compensation

As provided by law; not to be increased or diminished during continuance in office. (Miss. VI 166.)

To receive at stated times; not to be diminished during term. (N.J. VII Sec. II 1.)

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COURTS (*Cont'd*)

CHANCERY COURTS (*Cont'd*)

Judges (*Cont'd*)

Dual Office Holding

Not to hold any other office under state or United States. (N.J. VII Sec. II 1.)

Duties

To be ordinary or surrogate-general. (N.J. VI Sec. IV 2.)

How Selected

Appointed by governor with consent of senate. (Miss. VI 153; N.J. VII Sec. II 1.)

Elected by qualified electors of chancery divisions at times prescribed by law, except where new chancery division created in which case judge to be elected at next general election for state officers for term to expire at next general election for judge, but if division created more than six months before such election of state officer, governor to make appointment until election. Right of judge to hold office for full term not to be affected by change made by law in mode or time of election. (Ala. VI 152, 159, 155.)

Chancellor of state to hold court of chancery. (Del. IV 10.)

If court established, legislature not to constitute themselves judges of court. (Vt. II 29.)

Impeachment, See IMPEACHMENT.

Number

One for each division (state to be divided into convenient divisions). (Ala. VI 145.)

Power to Act in Other Courts

May hold court for each other when deemed necessary and shall do so when directed by law. (Ala. VI 146.)

To be judge of prerogative courts. (N.J. VI Sec. IV 2.)

Prohibition of Practice of Law

During continuance in office in any court, state or federal, within state. (Ark. VII 25.)

Qualifications

Twenty-six years of age. (Miss. VI 154.)

Thirty years of age. (Tenn. VI 4.)

Attorney five years. (Miss. VI 154.)

Citizen of state five years. (Miss. VI 154.)

Resident of division one year next preceding election or appointment. (Ala. VI 145.)

Resident of state for five years; circuit for one year. (Tenn. VI 4.)

Removal

By governor upon joint address of two-thirds of members elected to both houses, for good cause. (Ark. XV 3.)

Residence

Within division for which he is elected or appointed during continuance in office. (Ala. VI 145.)

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COURTS (*Cont'd*)
CHANCERY COURTS (*Cont'd*)
Judges (*Cont'd*)
Term of Office
Four years. (Miss. VI 153.)
Six years and until successor is qualified. (Ala. VI 155.)
Seven years. (N.J. VII Sec. II 1.)
Eight years. (Tenn. VI 4.)
Vacancies
Filled by appointment by governor during recess until end of next session of senate; governor no power to remove appointee or power to withhold his name from senate for their action. (Miss. VI 177.)
Filled by appointment by governor until successor elected and qualified; successor elected for unexpired term at general election which shall occur at least six months after vacancy. (Ala. VI 158.)
Judicial Districts
State to be divided into convenient. (Miss. VI 152.)
State to be divided into convenient; each division to be subdivided; county having a population of 20,000 or more according to next preceding federal census and taxable property of $3,500,000 or more according to next preceding assessment of property for state and county taxation, need not be included in district; but if property or population reduced below these figures legislature shall include such county in a district embracing more than one county; no district shall contain less than three counties unless there be embraced therein a county having a population of 20,000 or more and taxable property of $3,500,000 or more in value. (Ala. VI 147.)
Jurisdiction
Legislature may confer the jurisdiction of a general trial court on. (Ala. VI 148.)
As conferred by law, legislature may repeal or alter act of legislature giving jurisdiction, and may add to jurisdiction given by constitution. (Del. IV 10, 20.)
As now established by law until changed by legislature. (Tenn. VI 8.)
Legislature may confer that usually exercised by such court or as shall appear for interest of commonwealth. (Vt. II 29.)
As established by law when this constitution is put in operation; jurisdiction over idiots, lunatics and persons of unsound mind; cases of divorce and alimony; cases in equity; matters testamentary and of administration; and business affecting minors. In addition to jurisdiction heretofore exercised in suits to try title and to cancel deeds and other clouds upon real estate, it shall have jurisdiction to decree possession and to displace possession; to decree rents and compensation for employment and taxes; and in all cases where said court heretofore exercised jurisdiction, auxiliary to courts of common law, it may

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COURTS (*Cont'd*)

CHANCERY COURTS (*Cont'd*)

Jurisdiction (*Cont'd*)

exercise such jurisdiction to grant the relief sought, although the legal remedy may not have been exhausted or the legal title established by a suit at law. Jurisdiction concurrent with general trial courts of suits on bonds of fiduciaries and public officers for failure to account for money or property received, or wasted and lost by neglect or failure to collect, and all suits involving inquiry into matters of mutual accounts. (Miss. VI 159, 160, 161.)

No judgment or decree in any chancery or general trial court rendered in civil case to be reversed or annulled on ground of want of jurisdiction to render such judgment or decree, from error or mistake as to whether cause in which rendered was in equity or common-law jurisdiction; but if highest court finds error in proceedings other than as to jurisdiction, and it is necessary to remand case, it may remand it to any court which, in its opinion, can best determine controversy. (Miss. VI 147.)

Masters

Abolished. (Mich. VII 5; Wis. VII 19.)

Jurisdiction and practice not to be regulated nor rules of evidence in proceedings before changed, by local, private or special law. (Pa. III 7.)

Appointed by chancellor. (Tenn. VI 13.)

Term of office six years. (Tenn. VI 13.)

Reporter

To be appointed by chancellor for term of five years. (N.J. VII Sec. II 5.)

Special Regulations for Particular Counties

The Pulaski chancery court to continue in existence until abolished by law or the business pending at the adoption of this constitution shall be disposed of, or the pending business be transferred to other courts; judge and clerk to hold office for two years; elected by qualified electors of state; special provision for suits concerning lands in the suits and proceedings which relate to the sixteenth section. Vacancies in offices of judge and clerk filled by special election unless occurring nine months before next general election when filled by appointment by governor. (Ark. VII 44, 50.)

Time and Place of Holding

At least two each year at place prescribed by law. (Ala. VI 146.)

At least two each year in each county. (Miss. VI 164.)

Transfer of Cases

See also below, this title, TRIALS — CHANGE OF VENUE.

Cases whereof general trial court has exclusive jurisdiction, to be transferred to that court. (Miss. VI 162.)

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COURTS (*Cont'd*)

CHANCERY COURTS (*Cont'd*)

Transfer of Cases (*Cont'd*)

Legislature to provide for due certification of causes transferred to general trial courts and for such reformation of pleadings therein as necessary, and adjudication of costs of transfer. (Miss. VI 163.)

CHARACTER

Legislature may provide that any court, except justices' courts, shall be courts of record. (Cal. VI 12; Wash. IV 11.)

CHARGING JURIES, *See below, this title,* TRIALS.

CHIEF JUSTICE OF STATE

Applies to Delaware only. In that state chief justice is elected as such and not as judge of any particular court. For other provisions in regard to chief justices of highest court, See HIGHEST COURT — CHIEF JUSTICE.

Appointed from and may reside in any part of state. Appointed by governor with consent of majority of members elected to senate for term of 12 years. Oath must be taken as prescribed by amended constitution. Compensation as provided by law; not less than $3,000; payable quarterly by state; fees or perquisites in addition to salary provided by law prohibited. Vacancies filled by appointment of governor with consent of senate, if not in session, governor shall, within 30 days after happening of vacancy, convene same for confirmation of appointment. Vacancy filled for full term. Chief justice not to hold other office of profit. To exercise all powers which any law vests in judges singly or general trial courts for civil cases only. (Del. IV 3, 4, 21.)

CLERKS

See also below, this title, OFFICERS.

For clerk of a particular court, See throughout this title.

Dual Office Holding

Not to hold seat in legislature. (Me. IX 2; W.Va. VI 13.)

Not to hold seat in legislature; election and taking seat in legislature vacates office. (Va. IV 44.)

Ineligible for any office in either branch of legislature or membership therein. (N.D. II 37.)

Clerks of courts of record ineligible for legislature during term for which elected. (Ark. V 7; Tex. III 19.)

Not to hold office of judge of highest court or any inferior court, attorney-general, county attorney, treasurer of state, adjutant-general, judge of probate, register of probate, register of deeds, sheriff or deputy sheriff; acceptance of seat in Congress vacates office. (Me. IX 2.)

Duties in General

To attest all writs. (S.C. V 31.)

To have charge and custody of records and other papers; to perform such duties as are now or to be provided by law. (Md. IV 10.)

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COURTS (*Cont'd*)

CLERKS (*Cont'd*)

Fees

To be allowed fees which appertain to office. (Md. IV 10.)

Fees in civil actions to be accounted for. (Nev. VI 16.)

How Selected

As provided by law. (Ala. VI 164.)

As provided by law for each county. (Miss. V 138.)

Appointed by judges, except in probate courts. (N.H. II 81.)

Elected until otherwise provided by law (then follows minute procedure set forth). (Ohio Sched., 1851, 15.)

Clerks of courts of record except St. Louis court of appeals and highest court, elected in manner prescribed by law; tie or contest determined as prescribed by law. (Mo. VI 39, 40.)

Clerks of inferior courts elected by qualified voters of respective counties or districts (does not apply to clerks of courts of chancery). (Tenn. VI 13.)

Clerks of inferior courts established by legislature elected as provided by law. (N.C. IV 30.)

In case of contested election governor to send returns to lower house which shall judge the election and qualification of candidate; if judgment shall be against one who has been returned elected or one commissioned by governor, lower house to order new election within 30 days; in case of a tie, governor to order new election. (Md. IV 12.)

To be county officers and elected as such (*See* COUNTIES — OFFICERS.) (Pa. XIV 1, 2.)

County clerks to be clerks of courts of record in respective counties. (Nev. IV 32.)

County clerks to be *ex officio* clerks of courts of record in respective counties or cities. (Cal. VI 14.)

Clerk of court of common pleas to be clerk of all other courts of record in county, but legislature may provide by law for election of a clerk for any of the courts of record and may authorize judge of probate court to perform duties of clerk for his court under regulations prescribed by law. (S.C. V 27.)

Prohibition on Practice of Law

Not to act as attorney or counsel in any causes in court in which clerk, nor to draw any writ originating a civil action. (N.H. II 81.)

Removal

For causes and in manner provided by law. (Ohio IV 16; S.C. V 27.)

For malfeasance, incompetency or neglect of duties in manner provided by law. (Tenn. VI 13.)

By judgment of general trial court for high crimes and misdemeanors, non-feasance or malfeasance in office, incompetency, corruption, favoritism, extortion or oppression in office, or for gross misconduct or habitual drunkenness; district attor-

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COURTS (*Cont'd*)

CLERKS (*Cont'd*)

Removal (*Cont'd*)

ney may institute suit; duty to do so on written request and information of 25 resident citizens and taxpayers (detailed provisions). (La. 222.)

Clerks of inferior courts not of record removed for cause, after due notice and opportunity of being heard by such courts as may be prescribed by law. (N.Y. VI 17.)

Supervision of

Judges to make rules and regulations for government of clerks and performance of their duties; said rules to have force and effect of law until repealed or modified by legislature; subject to visitorial power of judges of respective courts. (Md. IV 10.)

Term of Office

During pleasure of judge, except in case of probate court. (N.H. II 81.)

As provided by law in case of courts of record except St. Louis court of appeals and highest court. (Mo. VI 39.)

Not to exceed eight years, in case of inferior courts established by legislature. (N.C. IV 30.)

Four years in case of inferior courts except chancery courts. (Tenn. VI 13.)

Vacancies

Filled by election; but where unexpired term does not exceed one year, vacancy to be filled by appointment by court. (Ill. VI 32.)

COMMISSIONERS

Legislature not to pass local or special law regulating jurisdiction or practice of, or changing rules of evidence in any judicial proceeding or inquiry before. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Of general trial courts, *See below, this title,* GENERAL TRIAL COURTS — COURT COMMISSIONERS.

Judges of county court, *See below, this title,* COUNTY COURTS.

Commissioners' courts, *See* COUNTIES.

Commissioners' court of appeals, *See below, this title,* HIGHEST COURT.

COMMITMENTS, *See below, this title,* TRIALS — PRELIMINARY EXAMINATIONS.

COMMON PLEAS, COURTS OF

See also below, this title, COUNTY COURTS.

For courts of this name having the jurisdiction of a general trial court, See below, this title, GENERAL TRIAL COURTS.

Legislature may authorize judges of county court of any one or more counties to hold severally a quarterly court of common pleas in their respective counties, to be a court of record, with jurisdiction in contract and other civil matters not involving title to real estate as may be vested. Judges to receive compensation as provided by law. (Ark. VII 32, 37.)

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COURTS (*Cont'd*)

COMMON PLEAS, COURTS OF (*Cont'd*)

Judges to be appointed for terms of four years. (Conn. Amend. XX.)

Judges not to hold other office under government of state, except justice of peace or militia office. (Mass. Amend. VIII.)

To be no more than five judges of inferior courts of common pleas in each county; one judge for each county to be appointed every year, and no more except to fill vacancies which shall be only for unexpired term. Commissions for first appointments to take effect April 1st next; and subsequent commissions to bear date and take effect April 1st, except commissions to fill vacancies, which shall bear date and take effect when issued. Judges to be nominated by governor and appointed by him with advice and consent of senate. (N.J. VI Sec. VI 1, 2, VII Sec. II 1.)

Legislature may vest in courts of common pleas in counties chancery powers in relation to foreclosure of mortgages and sale of mortgaged premises. (N.J. IV Sec. VII 10.)

Judges to be appointed by senate and lower house in joint meeting; to hold office for five years unless appointed to fill vacancies, then for unexpired term only. (N.J. VII Sec. II 2.)

CONCILIATION, COURTS OF, *See above, this title,* ARBITRATION COURTS.

CONSOLIDATION OF

Legislature may provide for consolidation of any two or more courts of record in county with or without separate divisions and provide sufficient number of judges for transaction of business of such consolidated courts; probate court must remain separate. (Ala. VI 148.)

CONTEMPT OF, *See* CONTEMPTS.

COOK COUNTY COURTS

Detailed provisions for. (Ill. VI 23 *et seq.*)

CREATION, *See below, this title,* ESTABLISHMENT.

COSTS AND FEES

In a particular class of courts, See throughout this title.

Default in payment discharged by labor, *See* CONVICT LABOR.

Person not compelled to pay costs before conviction on final trial. (Fla. D.R. 14; Ga. I Sec. I 10.)

No man compelled to pay costs, jail fees or necessary witness's fees unless found guilty. (N.C. I 11.)

In no case shall accused, before final judgment, be compelled to advance money or fees to secure rights guaranteed by constitution. (Ariz. II 24; Utah I 12; Wash. I 22.)

Defendants in cases of conviction may be taxed with costs. (Miss. XIV 261.)

In criminal cases prosecuted in name of state when defendant is insolvent or discharged, costs and expenses, including fees of officers, shall be paid by counties where crime is committed, under regulations prescribed by law; but fines and forfeitures collected under penal laws of state to be paid into county treasury as general county fund to be applied to legal costs and expenses. (Fla. XVI 9.)

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COURTS (*Cont'd*)

COSTS AND FEES (*Cont'd*)

Expenses of criminal prosecutions, except those before justices of the peace, to be borne by county in which prosecution begun, and all net fines and forfeitures to be paid into treasury of such county. (Miss. XIV 261.)

Expenses incurred by counties in investigating and prosecuting bribery of or receiving bribes by any person holding office under laws of state shall be charged against state and their payment by state to be provided by law. (N.Y. XIII 6.)

Legislature to impose tax on all civil suits in inferior courts; to constitute fund toward payment of salary of judges. (Wis. VII 18.)

Legislature to provide by law that upon institution of each civil action and other proceedings and upon perfecting each appeal in civil action or proceeding in courts of record, a special fee or tax be paid to clerk of court, to be accounted for by clerk and to constitute a fund toward payment of compensation of judges as directed by law. (Nev. VI 16.)

From time to time judges to investigate expenses, costs and charges of their respective courts with a view to change or reduction thereof and report result of investigation to legislature. (Md. IV 9.)

At any time pending action for debt or damages defendant may bring into court money for discharging same, together with costs, and plaintiff not accepting same, if upon final decision he shall not recover greater sum than so paid into court, shall not recover any costs accruing after such payment except where plaintiff is executor or administrator. (Del. IV 25.)

No costs awarded against party because suit brought in county other than that in which defendant may reside at time of bringing suit. (Del. IV 19.)

Legislature not to enact law not applicable to all counties, regulating costs and charges of courts (provision not applicable to Jefferson county). (Ala. IV 96, Amend. 1912.)

COUNSEL, RIGHT TO

Suitors may prosecute or defend cases personally or by counsel. (Mich. II 12; Wis. VII 20.)

All persons have right, in civil cases, to prosecute or defend in person or by counsel. (Ala. I 10; Ga. I Sec. I 4; Miss. III 25; Utah I 11.)

Accused to have assistance of in his defense. (Ala. I 6; Ariz. II 24; Ark. II 10; Cal. I 13; Colo. II 16; Conn. I 9; Del. I 7; Fla. D.R. 11; Ga. I Sec. I 5; Ida. I 13; Ind. I 13; Ill. II 9; Iowa I 10; Kan. B.R. 10; Ky. 11; Me. I 6; Md. D.R. 21; Mass. Pt. I 12; Mich. II 19; Minn. I 6; Miss. III 26; Mo. II 22; Mont. III 16; Nebr. I 11; Nev. I 8; N.H. I 15; N.J. I 8; N.M. II 14; N.Y. I 6; N.C. I 11; N.D. I 13; Ohio I 10; Okla. II 20; Ore. I 11; Pa. I 9; R.I. I 10; S.C. I 18; S.D. VI 7; Tenn. I 9; Tex. I 10; Utah I 12; Wash. I 22; W.Va. III 14; Wis. I 7; Wyo. I 10.)

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COURTS (*Cont'd*)

COUNSEL, RIGHT TO (*Cont'd*)

Any person has right to be heard by in criminal cases. (Vt. I 10.)

Accused to have "such reasonable assistance" of in prosecuting an appeal, as may be necessary. (Mich. II 19.)

Accused to have opportunity to be present in person and with counsel at taking of deposition. (Ohio I 10.)

Accused to have right to appear in person and by counsel in taking depositions of witnesses; if he has no counsel judge to assign him one in that behalf only. (Colo. II 17.)

In capital cases accused has right to see counsel at proper seasons. (Del. I 12.)

COUNTY COURTS

Under this subhead are included all courts, inferior to general trial courts and called in the constitution "county courts". For explanation of term "general trial courts", See below, this title, GENERAL TRIAL COURTS.

See also above, this title, COMMON PLEAS, COURTS OF.

Abolishment

Legislature may abolish. (Fla. V 18.)

Administration of County Affairs, *See* COUNTIES.

Appeals from

Appeals and writs of error to be allowed from final determination as provided by law. (Ill. VI 19.)

In cases and under regulations prescribed by law. (N.D. IV 114.)

Appeals to

See below, this subdivision, JURISDICTION.

See below, this subdivision, PROCEDURE.

Character

Court of record. (Colo. VI 23; Ill. VI 18; Mo. VI 36; Nebr. VI 16; N.D. IV 110; Okla. VII 11; S.D. V 20; Tex. V 15.)

Chief Justice, *See below, this subdivision,* JUDGES.

Clerks

See also above, this title, CLERKS.

Bond

As prescribed by law. (Ky. 103.)

Compensation

As prescribed by law. (Ill. VI 32; W.Va. VIII 26.)

By salary as provided by law; not to exceed 75 per cent. of fees; payable out of state treasury. (Ky. 103, 106.)

Duties

As provided by law. (Ill. VI 32; W.Va. VIII 26.)

Until otherwise provided by law, exercise power and distribute duties heretofore conferred on any court or tribunal established for police and fiscal purposes under section 34 of article VIII of constitution of 1872; clerk of such court or tribunal respectively to record and preserve deeds and other papers presented for record; matters of

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COURTS (*Cont'd*)
COUNTY COURTS (*Cont'd*)
Clerks (*Cont'd*)
Duties (*Cont'd*)
probate; appointment and qualification of personal representatives, guardians, committees, curators and the settlement of their accounts and in matters relating to apprentices. (W.Va. VIII 24.)
How Selected
Elected. (Ill. VI 18; Ky. 99; W.Va. VIII 26.)
Elected by voters of county. (W.Va. VIII 26.)
Elected in counties over 15,000. (Ark. VII 19.)
Clerk of general trial court acts in counties of less than 15,000. (Ark. VII 19.)
Clerk of general trial court in county acts. (S.D. V 32.)
Number
One for each county. (Ky. 99.)
One for each county, but legislature may create districts of two or more contiguous counties, each of which to have one clerk. (Ill. VI 18.)
Qualifications
Citizen of state; 21 years of age; resident two years in state and one year next preceding election in county and district in which candidate; procured from judge of highest court or of general trial court certificate that he has been examined "by the clerk of his court under his supervision" and he is qualified for office for which candidate. (Ky. 100.)
Removal
As provided by law. (W.Va. VIII 26.)
By judges of district or general trial court for incompetency, official misconduct, habitual drunkenness, other causes defined by law; cause set forth in writing and finding of its truth by jury. (Tex. V 24.)
By highest court upon information and good cause shown; two-thirds of members present must concur in sentence. (Ky. 124.)
To be removed on prosecution and final conviction for misdemeanor in office. (Ill. VI 18, 30.)
Residence
In county for which elected. (Ill. VI 18, 32.)
Term of Office
Four years and until successor qualified. (Ill. VI 18, 32; Ky. 99.)
Six years. (W.Va. VIII 26.)
Vacancies
Filled by appointment of county court; appointee serves until next election. (W.Va. VIII 30.)
Filled by election, if unexpired term does not exceed one year, to be filled by appointment of judge. (Ill. VI 18, 32.)

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COURTS (*Cont'd*)

COUNTY COURTS (*Cont'd*)

Establishment, *See below, this title,* ESTABLISHMENT.

Judges

See also below, this title, JUDGES.

Ad Litem Appointees

If judge is disqualified in any case, judge *pro tempore* selected in same manner as like case in general trial court. (Okla. VII 12.)

If judge disqualified parties interested may, by consent, appoint proper person to try case, or upon their failure to do so, competent person may be appointed to try same in county where pending, in manner prescribed by law. (Tex. V 16.)

If judge disqualified, to certify facts to governor; governor to commission special judge to preside during disqualification. (Ark. VII 36.)

If judge disqualified, parties may agree upon attorney-at-law, who shall be judge *ad litem* and shall preside over the trial and make orders as if he were judge; parties, however, may transfer cause to another county court or have case submitted to referee. (Fla. V 19.)

In absence of county judge majority of justices of peace may constitute the court; these to elect one of their number to preside; legislature to regulate by law manner of compelling attendance of quorum. (Ark. VII 30.)

Legislature may, on application of board of supervisors, provide for election of local officers not to exceed two in any county to discharge duties of judge in case of inability or vacancy and in other cases prescribed by law, and to exercise other powers in special cases as prescribed by law. (N.Y. VI 16.)

Bonds

Before entering upon duties of office and as often thereafter as may be deemed proper, shall give such bond and security as may be prescribed by law. (Ky. 103.)

Chief Justice

President elected annually by judges from their number. To be conservator of peace throughout county. (W.Va. VIII 23; IX 7.)

Commissions

Shall be commissioned by governor. (Ky. 140.)

Compensation

Amount as provided by law. (Ark. VII 37; Ky. 140; N.Y. VI 14; N.D. IV 111; Ill. VI 18, 32.)

No salary shall be paid to any county judge. (Nebr. VI 14.)

Two dollars per day for his services in court. (W.Va. VIII 23.)

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COURTS (*Cont'd*)
COUNTY COURTS (*Cont'd*)
Judges (*Cont'd*)
Compensation (*Cont'd*)
Such salary or compensation, either from fees and emoluments of office, or from general county fund, as shall be provided by law. (Colo. VI 22.)
Until otherwise provided by law, compensation of probate judge under laws of territory to devolve upon judge of county court, provided that judges of counties having population over 20,000 paid salary of $2,000; of counties over 30,000, $2,500; of counties over 40,000, $3,000; such salaries payable in same manner as provided by law in force in territory for payment of salaries of county attorneys. (Okla. Sched. 18.)
Fees and perquisites as provided by law. (Tex. V 15.)
Fees and perquisites prohibited, except may receive such fees as may be allowed under land laws of United States. (S.D. V 30.)
Increase or decrease prohibited during term for which elected. (N.Y. VI 15.)
Payable out of county treasury. (N.Y. VI 14; W.Va. VIII 23.)
Conservators of Peace
To be. (Ky. 140; Tex. V 15.)
Dual Office Holding
Cannot be justice of peace. (W.Va. VIII 30.)
Duties
As provided by law. (Ill. VI 18, 32; N.Y. VI 14.)
Election, Time of
At general election. (Colo. VI 22.)
At each biennial general election. (Okla. VII 11.)
First Tuesday after first Monday in November. (Ill. X 8.)
At general election next preceding time of termination of term, but no office vacated thereby, but incumbent to hold over until successor elected and qualified. (Nebr. XVI 13.)
Additional judges in Kings county elected at general election in first odd numbered year after adoption of provision (1913); additional judges for other counties whose office created by legislature elected at general election held in first odd numbered year after creation of office. (N.Y. VI 14.)
As provided by law. (S.D. V 26.)
Legislature may provide for election on different day from that on which election is held for any other purpose, and for that purpose may extend or abridge term of office of any such officers then holding, but not in any case more than six months. (Colo. VI 15; S.D. V 26.)

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COURTS (*Cont'd*)

COUNTY COURTS (*Cont'd*)

Judges (*Cont'd*)

How Selected

Elected in each county. (Ark. VII 29; Ky. 99; Ill. VI 18, X 8; N.Y. VI 14; N.D. IV 110; Okla. VII 11; S.D. V 19; Tex. V 15; W.Va. VIII 23.)

Elected in each organized county. (Colo. VI 22; Nebr. VI 15.)

Court to consist of one or more judges, not exceeding three, of whom probate judge may be one, as prescribed by law. (Mo. VI 36.)

Elected by electors of counties; no two of the three elected from same magisterial district; if two resided in same district receive the greater number of votes, then only one receiving highest number shall be elected and person in another district receiving next highest number elected. (W.Va. VIII 23.)

County judge to be judge of county court. (Fla. V 18.)

Legislature may, on application of board of supervisors, provide for election of local officers not to exceed two in any county to discharge duties of judge in case of inability or vacancy and in other cases prescribed by law, and to exercise other powers in special cases as prescribed by law. (N.Y. VI 16.)

Number

One for each county. (Colo. VI 22; Ky. 140; Nebr. VI 15; N.D. IV 110; S.D. V 19; Tex. V 15.)

One for each county, but legislature may create districts of two or more contiguous counties in each of which shall be elected one judge. (Ill. VI 18.)

One for each county, except in cases provided in constitution. (Ark. VII 28.)

One or more judges, not exceeding three, of whom probate judge shall be one. (Mo. VI 36.)

Three in each court. (W.Va. VIII 22.)

Not to exceed three when legislature provides for township organization in county; question of township organization to be referred to electors. (Mo. IX 8.)

Existing judges to hold office till expiration of term; in Kings county to be four judges; number in any county may be increased from time to time by legislature to such number that total in one county shall not exceed one for each 200,000 or major fraction thereof of population of county. (N.Y. VI 14.)

Power to Act in Other Courts

May hold county courts in any other county when requested by judge of such other county. (N.Y. VI 14.)

Prohibitions on Practice of Law

In a county having a population exceeding 120,000, shall not practice as attorney or counsellor in any court of

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COURTS (*Cont'd*)
COUNTY COURTS (*Cont'd*)
Judges (*Cont'd*)
Prohibitions on Practice of Law (*Cont'd*)
record in this state or act as referee; legislature may impose a similar prohibition on judges of courts in other counties. (N.Y. VI 20.)
Shall not act as attorney or counsellor-at-law in any case which is or may be brought into his court, or which may be appealed therefrom. (S.D. V 31.)
Qualifications
Age; at least 24 years. (Ky. 100.)
Age; at least 25 years. (Ark. VII 29; S.D. V 25.)
Attorney admitted to practice in court of record of state. (Okla. VII 11.)
Attorney admitted to practice in state, except in county of Hamilton. (N.Y. VI 20.)
Character to be upright. (Ark. VII 29.)
Citizen of state. (Ky. 100.)
Citizen of United States. (Ark. VII 29; S.D. V 25.)
Good business education. (Ark. VII 29.)
Must be learned in law. (S.D. V 25.)
Well informed in the law of the state. (Tex. V 15.)
Must be qualified voter. (Okla. VII 11.)
Resided in county at time of election. (Okla. VII 11.)
Resided in state one year next preceding election; resident of district for which elected. (S.D. V 25.)
Resided in state two years; one year next preceding election in county and district in which he is a candidate. (Ky. 100.)
Resided in state two years; resided in county at time of election. (Ark. VII 29.)
Where jurisdiction of court is more than court of probate and over civil matters under $1,000, and criminal matters less than felony, qualifications same as judge of district court. (Twenty-five years; United States citizen; two years resident of state next preceding election; elector of district.) (N.D. IV 111.)
Quorum
Two (out of three). (W.Va. VIII 22.)
Removal
By judge of general trial court for incompetency, official misconduct, habitual drunkenness or other causes defined by law, upon cause thereof set forth in writing and finding of its truth by jury. (Tex. V 24.)
Power to indict or prosecute for misdemeanor or malfeasance in office or willful neglect in discharge of official duties in such mode as may be prescribed by law; upon conviction office vacated, but right of appeal to highest court. (Ky. 227.)

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COURTS (*Cont'd*)

COUNTY COURTS (*Cont'd*)

Judges (*Cont'd*)

Residence

In county for which elected. (Ark. VII 29; Colo. VI 29; Ill. VI 18, 32; Nebr. VI 20; S.D. V 19, 37.)

Office vacated by removal from county in which elected. (Ky. 140.)

Retirement on Account of Age

On last day of December next after he shall reach 70 years of age. (N.Y. VI 15.)

Term of Office

Two years. (Ark. VII 29; N.D. IV 100; Okla. VII 11.)

Two years, until otherwise prescribed by law. (S.D. V 19.)

Two years and until successors elected and qualified. (Tex. V 15.)

Two years from first Thursday after first Tuesday in January after election, and until successor qualified. (Nebr. VI 16, 20, XVI 14.)

Four years. (Colo. VI 22.)

Four years from first Monday of December after election and until successor is elected and qualified. (Ill. X 8.)

Four years from first Monday in January after election, and until successors are elected and qualified. (Ky. 99.)

Six years from January 1st after election. (N.Y. VI 14.)

Six years; at first meeting designate by lot or otherwise in such manner as they may determine, one of their number to hold office for two years, one for four, and one for six years so that one shall be elected every two years. (W.Va. VIII 23.)

Vacancies

Filled by appointment by governor until next general election. (S.D. V 37.)

To be filled by election but if unexpired term does not exceed one year by appointment by governor. (Ill. VI 18, 32.)

To be filled by special election unless occurring six months before next general election when filled by appointment by governor. (Ark. VII 29, 50.)

Filled by board of county commissioners of county where occurring. (Colo. VI 29.)

Filled by appointment of commissioners' court until next general election for such officers. (Tex. V 28.)

Filled by appointment of county court; appointee serves until next election. (W.Va. VIII 30.)

To be filled by election, if unexpired term does not exceed one year may be filled by appointment as provided by legislature. (Nebr. VI 21.)

Filled in same manner as like vacancy occurring in general trial court (*i. e.*, appointed by governor by and with consent of senate until vacancy can be filled for full

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COURTS (*Cont'd*)

COUNTY COURTS (*Cont'd*)

Judges (*Cont'd*)

Vacancies (*Cont'd*)

term by election at next general election held not less than three months after vacancy occurs. Person appointed holds until December 31st after election of successor; governor appoints if senate not in session). (N.Y. VI 15.)

Legislature may, on application of board of supervisors, provide for election of local officers not to exceed two in any county to discharge duties of judge in case of vacancy and in other cases prescribed by law, and to exercise other powers in special cases as prescribed by law. (N.Y. VI 16.)

Writs, Power to Issue

See also below, this subdivision, WRITS, POWER TO ISSUE.

Injunction, mandamus and all other writs necessary to the enforcement of the jurisdiction of the court. (Tex. V 16.)

Habeas corpus under such regulations and restrictions as shall be provided by law. (Ark. VII 37.)

Habeas corpus in cases where offense charged is within jurisdiction of county court or of any other court or tribunal inferior to said court. (Tex. V 16.)

In absence of judge of general trial court, may issue orders for injunctions and other provisional writs in counties, returnable to court having jurisdiction; either party may have order reviewed by superior judge in vacation in manner provided by law. (Ark. VII 37.)

Jurisdiction

In General

Such as they now possess. (N.Y. VI 14.)

To transact all county and such other business as prescribed by law. (Mo. VI 36.)

Uniform throughout state; regulated by law; until changed same as now vested in county courts by law. (Ky. 141.)

Legislature power by local or general law to increase or diminish or change civil and criminal; in cases of change of, legislature to conform jurisdiction of other courts to such change. (Tex. V 22.)

Legislature upon application of any county may reform, alter or modify county court and in lieu thereof, with consent of majority of voters, voting at an election, create another tribunal for the transaction of business required to be performed by county court created by this article and in such case provisions of article in relation to county court shall be applicable, and such tribunals when established shall continue to act in lieu of county court until otherwise provided by law. (W.Va. VIII 29.)

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COURTS (*Cont'd*)
COUNTY COURTS (*Cont'd*)
Jurisdiction (*Cont'd*)
Appellate
From justices' courts in civil and criminal cases as provided by law or constitution until otherwise provided by law. (Okla. VII 12, 14.)
From justices' courts; in civil and criminal cases, in civil cases judgment appealed from to exceed $20 exclusive of costs. (Tex. V 16.)
From justices' courts. (Fla. V 18.)
Original
Exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, apprenticeship of minors, disbursement of money for county purposes, and in every other case that may be necessary to internal improvement and local concerns of respective counties. (Ark. VII 28.)
To have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, and such other civil and criminal jurisdiction as may be conferred by law; not to have jurisdiction in any case where debt, damage or claim or value of property involved exceeds $2,000, except in cases relating to estates of deceased persons. (Colo. VI 23.)
To have jurisdiction of all cases at law in which demand or value of property involved shall not exceed $500; of proceedings relating to forcible entry or unlawful detention of lands and tenements, and of misdemeanors; they shall have no criminal jurisdiction in counties where criminal courts are established. (Fla. V 18, 29.)
Probate, settlement of estates of deceased persons, appointment of guardians and conservators, settlement of their accounts, apprentices, collection of taxes and assessments; such other as provided by law. (Ill. VI 18.)
To have original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians and settlement of their accounts; in all matters relating to apprentices and such other jurisdiction as may be given by general law; to have no jurisdiction in criminal cases in which punishment may exceed six months' imprisonment or fine of over $500 nor in actions in which title to real estate sought to be recovered or may be drawn in question; nor in actions on mortgages or contracts for conveyance of real estate; nor in civil actions where debt or sum claimed shall exceed $1,000. (Nebr. VI 16.)
Actions for recovery of money only where defendants reside in county and in which complaint demands judgment for not over $2,000. Legislature may enlarge or restrict, but

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COURTS (*Cont'd*)
COUNTY COURTS (*Cont'd*)
Jurisdiction (*Cont'd*)
Original (*Cont'd*)

not so as to authorize actions for recovery of money only in which demand exceeds $2,000 or in which defendant does not reside in county; all of court of sessions, except in New York county; court of sessions abolished except in New York county. (N.Y. VI 14.)

To have exclusive original jurisdiction in probate and testamentary matters, appointment of administrators and guardians, settlement of accounts of executors, administrators and guardians, sale of lands by same, and such other probate jurisdiction as may be conferred by law. Whenever voters of any county having population of 2,000 or over, decide by majority vote to increase jurisdiction, county court shall have concurrent jurisdiction with district courts in all civil actions where amount does not exceed $1,000, and in all criminal actions below grade of felony and jurisdiction of magistrates' courts in cases of misdemeanors arising under state laws to cease; in case of such increase, jurisdiction as thus increased to remain until otherwise provided by law. Legislature may confer jurisdiction of justice's court upon county courts if it abolishes offices of justices of peace. (N.D. IV 111, 112.)

To have original jurisdiction in all probate matters and until otherwise provided by law, shall have concurrent jurisdiction with district court in civil cases in any amount not exceeding $1,000 exclusive of interest; not to have jurisdiction in any action for malicious prosecution or divorce, alimony, against officers for misconduct in office, for slander or libel, for specific performance of contracts for sale of real estate or in any matter wherein title or boundaries of land may be in dispute or called in question; nor to order or decree partition or sale of real estate not arising under its probate jurisdiction; concurrent jurisdiction with justices of peace in misdemeanor cases, and exclusive jurisdiction in all misdemeanor cases where justices of peace have no jurisdiction; to have general jurisdiction of a probate court to probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis* and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business of minors, idiots, lunatics, persons *non compos mentis* and common drunkards, including sale, settlement, partition and distribution of estates; duties of probate judge, upon organization of state, to devolve upon judge of county court; jurisdiction of examining and committing magistrates in all criminal cases. (Okla. VII 12, 13, 17, Sched. 18.)

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COURTS (*Cont'd*)

COUNTY COURTS (*Cont'd*)

Jurisdiction (*Cont'd*)

Original (*Cont'd*)

To have original jurisdiction in all matters of probate, guardianship and settlements of estates of deceased persons and such other civil and criminal jurisdiction as may be conferred by law; not to have jurisdiction in any case where death, damage, claim or value of property involved shall exceed $1,000, except in matters of probate, guardianship and estates of deceased persons; nor in cases of felony, but they may have such jurisdiction in criminal matters not of grade of felony, as legislature may prescribe. (S.D. V 20, 21.)

To have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to justice's court, when fine to be imposed shall exceed $200; exclusive jurisdiction in all civil cases when matter of controversy shall exceed $200 and not exceed $500 exclusive of interest; concurrent jurisdiction with district court when matter in controversy shall exceed $500 and not exceed $1,000 exclusive of interest; not to have jurisdiction in suit for recovery of land. To have general jurisdiction of a probate court to probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis* and common drunkards; to grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis* and common drunkards, including settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law; not to have criminal jurisdiction in any county where there is a criminal district court unless expressly conferred by law. (Tex. V 16.)

To have jurisdiction in all matters of probate, appointment and qualification of personal representatives, guardians, committees, curators and settlement of their accounts, and in all matters relating to apprentices. (W.Va. VIII 24.)

Number

One in each county. (Ky. 140; Mo. VI 36; N.D. IV 110; Tex. V 15; W.Va. VIII 22.)

One in each organized county. (Colo. VI 22; S.D. V 19.)

Procedure

Appeals from justices of peace to be allowed in manner provided by law for territory of Oklahoma for appeals from justices' courts to district courts. (Okla. VII 18.)

New trial allowed on appeals from justices of peace. (Okla. VII 14; Tex. V 16.)

New trial allowed at option of appellant in civil cases appealed from justices of peace court. (Fla. V 18.)

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COURTS (*Cont'd*)
COUNTY COURTS (*Cont'd*)
Procedure (*Cont'd*)
Provisions to be made by courts under regulations prescribed by law for probate of wills and for appointment and qualifications of personal representatives, guardians, committees and curators during recess of regular sessions of court. (W.Va. VIII 24.)
Quarterly Courts, *See below, this title,* QUARTERLY COURTS.
Time and Place of Holding
As now prescribed for holding higher courts until otherwise prescribed by law. (Ark. VII 31.)
To be open at all times. (N.D. IV 110.)
County seat; legislature may provide for holding sessions at not more than two additional places in county; alternate sessions of the county court of LaFlore county shall be held at Talihina. (Okla. VII 13.)
As provided by law, until otherwise provided judges shall fix time; special terms may be held under regulations prescribed by law. (S.D. V 27, 28, 33.)
At least four for both civil and criminal business as may be provided by legislature or by commissioners' court of county under authority of law and such other terms as may be fixed by commissioners' court; if commissioners' court has fixed times and number of terms not to change same until expiration of one year; at least one term every two months for civil and one term every month for criminal business; probate business to be disposed of in term time or vacation under regulations prescribed by law; terms to be held, until otherwise provided, on first Mondays in February, May, August and November, and may remain in session three weeks. (Tex. V 17, 29.)
Four regular sessions each year at time entered on record by court; provision may be made for holding special sessions. (W.Va. VIII 22.)
Transfer of Cases
See also below, this title, TRIALS — CHANGE OF VENUE.
If judge disqualified, parties may transfer cause to another county court or have case submitted to referee. (Fla. V 19.)
Uniformity of Provisions Relating to
All courts of the same class or grade must be uniform provided that legislature may classify county courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof accordingly. (S.D. V 34.)
Writs, Power to Issue
Injunction, mandamus; habeas corpus in cases where offense charged is within jurisdiction of the county court or any other court or tribunal inferior to said court; writs necessary to enforce jurisdiction. (Okla. VII 12; Tex. V 16.)
As to power of judges, See above, this subdivision, JUDGES.

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COURTS (*Cont'd*)

COUNTY JUDGE (AS A COURT)

In Florida the legislature may organize county courts. For organization and jurisdiction of these courts, See above, this title, COUNTY COURTS. *The subject of this subhead is an inferior court distinct from the county court.*

Judge elected by qualified electors of county at time and place of voting for other county officers; to hold office for four years; compensation as provided by law; original jurisdiction in all cases at law where demand or value of property involved does not exceed $100, in forcible entry and detainer, in settlement of estates of decedents and minors and other jurisdiction pertaining to courts of probate; such criminal jurisdiction as conferred by law; power of a committing magistrate, and to issue all licenses in county. (Fla. V 16, 17.)

CRIMINAL COURTS

Subhead covers court of that name, being minor criminal courts. For criminal jurisdiction of other courts, See throughout this title.

Abolishment

Legislature may abolish. (Fla. V 32.)

Clerks

Elected by electors of the county in which court is held for term of four years; compensation as fixed by law; to be clerk of county court. (Fla. V 30, 31.)

Establishment, *See below, this title,* ESTABLISHMENT.

Judges

One for each court appointed by governor with consent of senate for terms of four years; must be at least 20 years of age and an attorney-at-law; compensation $1,000, payable by county; in Escambia county $2,500, may be increased as provided by law. (Fla. V 3, 24, 41.)

Jurisdiction

Concurrent jurisdiction with general trial court in all criminal cases not capital. (Colo. VI 24.)

Original in all cases not capital in their respective counties. (Fla. V 25.)

Courts of special sessions to have such jurisdiction of offenses of grade of misdemeanors as may be prescribed by law. (N.Y. VI 23.)

Special Organization for Baltimore

Detailed provisions. (Md. IV 27 *et seq.*)

Special Organization for Cook County

Detailed provisions. (Ill. VI 26.)

Special Organization for Escambia County

Detailed provisions. (Fla. V 39.)

Special Organization for New Orleans

Detailed provisions. (La. 140 *et seq.*)

Times of Holding

Six terms per annum. (Fla. V 25.)

Terms as provided by law. (Colo. VI 24.)

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COURTS (*Cont'd*)

DECISIONS

See also below, this title, JUDGMENTS.

Of a particular class of courts, See throughout this title.

Legislature to provide for speedy publication of such as deemed expedient. (Wis. VII 21.)

Legislature to provide for speedy publication if such deemed expedient; to be free for publication by any person. (Mich. V 39.)

Legislature to regulate reporting of; to be free for publication by any person. (N.Y. VI 21.)

Shall refer to law by virtue of which every definite judgment is rendered and in every case shall adduce reasons on which judgment founded. (La. 91.)

Power to declare law or city charters or amendments thereto adopted by people in cities acting under article XX of constitution, in violation of constitution of state or of United States, confined to highest court; decision filed with clerk of highest court within 10 days; decision not binding until 60 days after filing; if within period of 60 days petition signed by 5 per cent. of qualified electors of state, or in case of charter, or amendment thereto, by 5 per cent. of qualified electors of city or city and county, shall be filed with secretary of state, or, in case of city, with legislative body of said city or city and county, requesting measure to be submitted to people, measure to be so submitted; if law approved by majority of votes cast thereon to take effect from and after date of declaration of vote thereon by proclamation by governor not less than 30 days after vote canvassed; if charter or amendment approved by majority of votes cast thereon, to take effect from and after date of declaration of vote thereon by proclamation of legislative body of city or city and county; not less than 30 days after vote canvassed. (Detailed provisions for petition, time of election and canvassing of vote, character of ballot, etc.) (Colo. VI 1.)

EQUITY AND LAW, DISTINCTION ABOLISHED, *See above, this title,* ACTIONS.

ESTABLISHMENT

Existing Courts Continued

Highest court (court of appeals). (N.Y. VI 7.)

Supreme court (general trial court). (N.Y. VI 1.)

Surrogate courts (probate courts). (N.Y. VI 15.)

County courts. (N.Y. VI 14.)

Criminal district court of Galveston and Harris counties to continue with district jurisdiction and organization now existing by law, until otherwise provided by law. (Tex. V 1.)

Probate court as established in county of Charleston; probate courts in all counties other than county of Charleston in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy, and persons *non compos mentis,* until legislature provides otherwise. (S.C. V 19.)

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COURTS (*Cont'd*)

ESTABLISHMENT (*Cont'd*)

Existing Courts Continued (*Cont'd*)

Pulaski chancery court to continue in existence till abolished by law or business pending at adoption of constitution disposed of or pending business transferred to other courts. (Ark. VII 44.)

Such inferior courts as now exist, but legislature may alter or abolish. (N.J. VI Sec. I 1.)

In every city of second class (less than 10,000 inhabitants) corporation court existing at time constitution goes into effect to continue under name of corporation court; may be abolished by majority vote and will be abolished if judge is paid less than $800 and vacancy not filled for 90 consecutive days; to have concurrent jurisdiction with circuit court of county in all actions at law and suits in equity. (Va. VI 98.)

All courts of limited jurisdiction heretofore established in any county, incorporated city, town or village, until otherwise provided by law; municipal court of Wheeling, until otherwise provided by law, court and judges to exercise powers and jurisdiction heretofore conferred on them; such tribunals as heretofore established under thirty-fourth section of eighth article of constitution of 1872 for police and fiscal purposes, until otherwise provided by law; such courts to act in police and fiscal matters in lieu of the county court created by constitution, until otherwise created by law. (W.Va. VIII 19, 24.)

By Constitution

See also above, this subdivision, EXISTING COURTS CONTINUED.

Appellate Courts

Intermediate court of appeals. (Cal. VI 1; Ga. VI Sec. I 1; La. 84; N.J. VI Sec. I 1; Ohio IV 1.)

Intermediate court of appeals for civil cases only. (Tex. V 1.)

Intermediate court of appeals for criminal cases only. (Tex. V 1.)

Kansas City court of appeals. (Mo. VI 2 [Amend.])

St. Louis court of appeals. (Mo. VI 1.)

Arbitration Courts

General provision. (Wyo. V 1.)

Chancery Courts

General provision. (Ala. VI 139; Del. IV 1; Miss. VI 152; N.J. VI Sec. I 1.)

Commissioners' Courts

General provision. (Tex. V 1.)

County Courts

General provision. (Ark. VII 1; Fla. V 1; Ky. 139, 140; Ill. VI 1; Mo. VI 1; Nebr. VI 1; N.D. IV 85; Okla. VII 1; S.D. V 1; Tex. V 1.)

Corporation Commission

Has powers of court of record for specified purposes. (Okla. IX 19; Va. XII 156c.)

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COURTS (*Cont'd*)
ESTABLISHMENT (*Cont'd*)
By Constitution (*Cont'd*)
Criminal Courts
General provision. (Mo. VI 1.)
Court of general sessions. (Del. IV 1.)
Court of oyer and terminer. (Del. IV 1.)
Criminal court for Escambia county. (Fla. V 24.)
Fiscal Courts
General provision. (Ky. 144.)
General Trial Courts
General provision. (Ala. VI 139; Ariz. VI 1; Ark. VII 1; Conn. V 1; Del. IV 1; Fla. V 1; Ga. VI Sec. I 1; Ida. V 2; Ill. VI 1; Ind. VII 1; Iowa V 1; Kan. III 1; Ky. 125; La. 84; Md. IV 1; Mich. VII 1; Minn. VI 1; Miss. VI 152; Mo. VI 1; Mont. VIII 1; Nebr. VI 1; Nev. VI 1; N.J. VI Sec. I 1; N.M. VI 1; N.C. IV 2; N.D. IV 85; Ohio IV 1; Okla. VII 1; Pa. V 1; S.D. V 1; Tex. V 1; Utah VIII 1; Va. VI 87; Wash. IV 1; W.Va. VIII 1; Wis. VII 2; Wyo. V 1.)
For civil cases only. (S.C. V 1.)
For criminal cases only. (Fla. V 1; S.C. V 1.)
For criminal cases only, courts of oyer and terminer, general jail delivery, quarter sessions. (Pa. V 1.)
Highest Court
General provision. (Ala. VI 139; Ariz. VI 1; Ark. VII 1; Cal. VI 1; Colo. VI 1; Conn. V 1; Del. IV 1; Fla. V 1; Ga. VI Sec. I 1; Ida. V 2; Ill. VI 1; Ind. VII 1; Iowa V 1; Kan. III 1; Ky. 109; La. 84; Me. VI 1; Md. IV 1; Mich. VII 1; Minn. VI 1; Miss. VI 144; Mo. VI 1; Mont. VIII 1; Nebr. VI 1; Nev. VI 1; N.J. VI Sec. I 1; N.M. VI 1; N.C. IV 2; N.D. IV 85; Ohio IV 1; Okla. VII 1; Ore. VII 1; Pa. V 1; R.I. XI 1; S.C. V 1; S.D. V 1; Tenn. VI 1; Tex. V 1; Utah VIII 1; Vt. II 42; Va. VI 87; Wash. IV 1; W.Va. VIII 1; Wis. VII 2; Wyo. V 1.)
Justices of Peace
General provision. (Ariz. VI 1; Ark. VII 1; Del. IV 1; Fla. V 1; Ga. VI Sec. I 1; Ida. V 2; Ill. VI 1; Kan. III 1; Ky. 142; La. 84; Md. IV 1; Mich. VII 1; Minn. VI 1; Miss. VI 152; Mont. VIII 1; Nebr. VI 1; Nev. VI 1; N.C. IV 2; N.D. IV 85; Okla. VII 1; S.D. V 1; Tex. V 1; Utah VIII 1; Wash. IV 1; W.Va. VIII 1; Wis. VII 2; Wyo. V 1.)
Juvenile Courts
General provision. (La. 118.)
Municipal Courts
General provision. (Mo. VI 1; Va. VI 87.)
In cities, corporation courts. (Va. VI 98.)
Police Courts
General provision. (Nebr. VI 1; Ill. VI 1; Pa. V 1.)

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COURTS (*Cont'd*)

- ESTABLISHMENT (*Cont'd*)

By Constitution (*Cont'd*)

Prerogative Court

General provision. (N.J. VI Sec. I 1.)

Probate Courts

General provision. (Ala. VI 139; Ark. VII 1; Del. IV 1; Ga. VI Sec. I 1; Ida. V 2; Kan. III 1; Md. IV 1; Mich. VII 1; Minn. VI 1; Mo. VI 1; N.M. VI 1, 23; Ohio IV 1; Pa. V 1; Wis. VII 2.)

Register's Courts

General provision. (Del. IV 1.)

Special Courts

Six courts for city of Baltimore. (Md. IV 1. 27.)

Courts for parish of Orleans. (La. 130 *et seq.*)

Courts for Cook county. (Ill. VI 23 *et seq.*)

By Legislature

In General

May constitute judiciaries and courts of record or other courts to be holden in the name of the state, for the hearing, trying and determining of all manner of crimes, offenses, bills, processes, complaints, causes, actions, matters and things, whatever arising or happening within the state, whether civil or criminal, to which courts is hereby granted the power to administer oaths, and affirmations for the better discovery of truth in any matter in controversy depending upon them. (N.H. II 4.)

May establish such other courts as necessary and prescribe the jurisdiction and organization thereof and conform the jurisdiction of general trial court and other inferior courts thereto. (Tex. V 1.)

Legislature may establish such courts other than those established in constitution as it may deem necessary and prescribe organization and jurisdiction thereof and may conform jurisdiction of district and other inferior courts thereto. (Tex. V 1.)

Other courts than those established in constitution may from time to time be established by legislature, with concurrence of two-thirds of all members elected to each house. (Del. IV 1.)

Other courts than those established in constitution may be established. (Colo. VI 1; Ga. VII Sec. I 1; Ind. VII 1; Pa. V 1.)

Courts other than highest court may be provided for by law. (Ore. VII 1; R.I. X 1.)

Other courts inferior to highest court. (Iowa V 1; Kan. III 1; N.C. IV 2; Tenn. VI 7; Utah VIII 1.)

Courts of law and equity inferior to highest court and to consist of not more than five members. (Ala. VI 139.)

Other courts, commissioners or boards inferior to highest court. (Okla. VII 1.)

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COURTS (*Cont'd*)
ESTABLISHMENT (*Cont'd*)
By Legislature (*Cont'd*)
In General (*Cont'd*)
Other courts inferior to highest court by two-thirds vote of legislature. (Minn. VI 1.)
Other courts of civil and criminal jurisdiction inferior to highest court by two-thirds vote of members elected to each house by general law. (Mich. VII 1.)
Other courts inferior to intermediate court of appeals. (Ohio IV 1.)
Courts inferior to general trial courts may be provided by law. (Ariz. VI 1.)
Legislature may ordain and establish courts inferior to general trial court; powers and jurisdiction to be defined by law. (Conn. V 1.)
Courts inferior to general trial court in any county of the state. (N.M. VI 1.)
Such courts in any or all of the counties of the state, inferior to circuit courts as may be deemed necessary. (S.C. V 1.)
Courts of record may be established by law. (Ariz. VI 10.)
Inferior courts may be established. (Miss. VI 172; N.J. VI Sec. I 1.)
Legislature may establish inferior courts and provide for their jurisdiction and powers. (Wash. IV 1, 12.)
In counties inferior courts with limited civil and criminal jurisdiction. (Wis. VII 2.)
Legislature may establish courts of limited jurisdiction within any county. (W.Va. VIII 19.)
Inferior local courts of civil and criminal jurisdiction not to have equity jurisdiction or greater jurisdiction than conferred on county courts by constitution, not to be courts of record. (N.Y. VI 18.)
Inferior courts may be established by legislature in township, county, city or county. Number to be determined by legislature according to population; to have such jurisdiction as provided by law but in no case to trench upon jurisdiction of several courts of record, except that legislature shall provide that said courts shall have the concurrent jurisdiction with general trial court in cases of forcible entry and detainer where rental value does not exceed $25 per month, and where whole amount of damages claimed does not exceed $200, and in cases to enforce and foreclose liens when value of property amounts to $300. (Cal. VI 1, 11, 13.)
May give to inferior courts established by them original jurisdiction in criminal cases for disturbing meetings held for religious worship; nuisances; assaults and battery; in cases of retailing and selling, without license or on Sunday, or to minors, wine, rum, brandy, gin, whiskey or

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COURTS (*Cont'd*)
ESTABLISHMENT (*Cont'd*)
By Legislature (*Cont'd*)
In General (*Cont'd*)
spirituous or mixed liquors contrary to law; in cases of keeping without license a public house of entertainment, tavern, inn, ale house, ordinary or victualing house; and in criminal cases for carrying concealed a deadly weapon; and in other misdemeanors, two-thirds of the members elected to each house concurring. (Del. IV 1, 30.)
Appellate Courts
May be created in districts formed for that purpose. (Ill. VI 11.)
One additional intermediate court of appeals with new district. (Mo. VI (Amend. 1884) 3.)
Arbitration Courts
General provision. (Mich. XVI 7; N.D. IV 120; Ohio IV 19; Wis. VII 16.)
Chancery Courts
General provision. (Ark. VII 1; Tenn. VI 1.)
Legislature may create court, but may not constitute themselves judges of court. (Vt. II 29.)
A court or courts of chancery with original and appellate jurisdiction except as otherwise authorized in this article. (Ala. VI 145.)
Circuit Courts
To be established by legislature. (Tenn. VI 1.)
Common Pleas Courts
Legislature may authorize judge of county court of any one or more counties to hold quarterly court of common pleas in respective counties, to be a court of record with such jurisdiction in matters of contract and other civil matters not involving title to real estate as may be vested in such court. (Ark. VII 32.)
County Courts
General provision. (Colo. VI 1.)
Legislature may organize in such counties as it may think proper, and may abolish. (Fla. V 18.)
Legislature may in lieu of county court abolished by it, with consent of majority of voters, voting at an election, create another tribunal for the transaction of business required to be performed by county court created by article and in such case provisions of article in relation to county court applicable, and such tribunals when established to continue to act in lieu of county court until otherwise provided by law. (W.Va. VIII 29.)
May be established, but question of establishment to be submitted to qualified electors of county and be approved by majority of those voting. (S.C. V 1.)

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COURTS (*Cont'd*)
ESTABLISHMENT (*Cont'd*)
By Legislature (*Cont'd*)
Criminal Courts
To be established in any county when a majority of registered voters make application and legislature deems expedient; to be a court of record (Escambia county court established by constitution). (Fla. V 24.)
In each county having a population exceeding 15,000. (Colo. VI 24.)
Legislature may provide for establishment of special courts for trial of misdemeanors in incorporated cities and towns. (Ida. V 14.)
In incorporated cities and towns. (Ida. V 14.)
No power to establish except in counties having population exceeding 50,000. (Mo. VI 31.)
General Trial Courts
May be ordained and established from time to time. (Tenn. VI 1.)
Justices of Peace
May be established. (Tenn. VI 1.)
Juvenile Courts
In counties and cities and counties having population exceeding 100,000, exclusive original jurisdiction in cases involving minors and persons whose offenses concern minors, may be vested in a separate court now or hereafter established by law. (Colo. VI 1.)
Legislature may establish in any county or municipality of state. (N.M. VI 1.)
Land Registration
Court or courts of land registration as it may deem proper for administration of any law it may adopt for purpose of settlement, registration, transfer or assurance of titles to land in state or any part thereof. (Va. VI 100.)
Municipal Courts
May be established. (Ark. VII 1; N.M. VI 1; S.C. V 1.)
Inferior to highest court for any incorporated city or town. (Ida. V 2.)
Courts other than those enumerated may be created by law for cities, incorporated towns and villages. (N.D. IV 85.)
In lieu of all justices of peace in a precinct partly or wholly in a city or incorporated town of over 1,500 inhabitants. (Ala. VI 168.)
May be created in towns of more than 5,000. (La. 96.)
In lieu of police magistrates in cities with over 5,000 population to have same jurisdiction as justices of peace in cases in which process served in city, and jurisdiction co-extensive with county in which city is situated in cases as provided by law. (S.D. V 23.)

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COURTS (*Cont'd*)
ESTABLISHMENT (*Cont'd*)
By Legislature (*Cont'd*)
Municipal Courts (*Cont'd*)

May create instead of justices of peace courts abolished by it in wards of cities containing more than 5,000 inhabitants, courts with such civil jurisdiction as now vested in justices of peace, and with criminal jurisdiction not extending beyond the trial of offenses not punishable by imprisonment and hard labor, the laws of the state and the violation of municipal and parochial ordinances and the holding of preliminary examinations in cases not capital. (La. 96.)

May establish in lieu of justices' courts abolished by it in any city having population over 20,000, except city of Savannah, such court or courts as deemed necessary, conferring upon such new courts jurisdiction now exercised by justices of peace, notaries public and *ex officio* justices of the peace, together with such additional jurisdiction either as to amount or to subject-matter as may be provided by law, whereof some other court has not exclusive jurisdiction under constitution, together also with such provisions as to rules and procedure, new trials and correction of errors and with such further provisions for correction of errors by general trial court or intermediate court of appeals or highest court as legislature may desire. (Ga. VI Sec. VII 1 (1914).)

In cities of 30,000 or more, legislature may provide additional courts. (Va. VI 98.)

Courts for the punishment of offenses against municipal ordinances in incorporated towns and cities. (Fla. V 34.)

Inferior to general trial court for cities and incorporated towns. (Nebr. VI 1.)

For cities and incorporated towns. (Ill. VI 1; Mont. VIII 24; S.D. V 1.)

Courts for incorporated cities and towns by general law. (Wyo. V 1.)

Legislature may establish courts of limited jurisdiction within any incorporated city, town or village. (W.Va. VIII 19.)

Municipal courts may be established by legislature in incorporated city or town. Number to be determined by legislature according to population; to have such jurisdiction as provided by law, but in no case to trench upon jurisdiction of several courts of record, except that legislature shall provide that said courts shall have the concurrent jurisdiction with general trial court in cases of forcible entry and detainer where rental value does not exceed $25 per month and where whole amount of damages claimed does not exceed $200, and in cases to enforce and foreclose liens when value of property amounts to $300. (Cal. VI 1, 11, 13.)

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COURTS (*Cont'd*)
ESTABLISHMENT (*Cont'd*)
By Legislature (*Cont'd*)
Municipal Courts (*Cont'd*)
Courts for municipal purposes only in incorporated cities and towns. (Nev. VI 1.)
With such jurisdiction as it may deem necessary. (Wis. VII 2.)
May vest such jurisdiction in corporation courts as deemed necessary. (Tenn. VI 1.)
Police Courts
For cities and towns. (Colo. VI 26; Ky. 143; Mont. VIII 24; S.D. V 23.)
Special courts for trial of misdemeanors in cities and towns. (N.C. IV 14.)
Probate Courts
May be established in each county. (Ala. VI 149.)
May provide for surrogate in counties with population exceeding 40,000 in which no separate surrogate. (N.Y. VI 15.)
Legislature to establish in every county, to be a court of record, to consist of one judge. (Mo. VI 34.)
Legislature may provide for in each county having a population of 50,000 and over. (Ill. VI 20.)
In county over 150,000, legislature shall, and in other counties may, establish separate court consisting of one or more judges learned in the law. (Pa. V 22.)
Railroad Commission
May clothe any railroad commission with judicial powers in all matters connected with the functions of their office. (Fla. V 35.)
By Legislature Prohibited
Legislature not to create other courts to exercise powers vested by constitution in courts of common pleas and orphans' courts. (Pa. V 26.)
None except those provided for in constitution shall be established. (Ky. 135.)
By Municipality
City charter may provide for establishment, constitution, regulation, government and jurisdiction of municipal courts, with such civil and criminal jurisdiction as by law may be conferred upon inferior courts. (Cal. XI 8½.)
EVIDENCE, *See* EVIDENCE.
EXECUTION, EXEMPTION FROM, *See* EXEMPTIONS FROM FORCED SALE.
FISCAL COURTS, *See* COUNTIES — INTERNAL ORGANIZATION AND ADMINISTRATION.
GENERAL SESSIONS, COURT OF
See also below, this title, GENERAL TRIAL COURTS FOR CRIMINAL CASES ONLY.
Chief justice and four associate justices to constitute. To designate those to hold court in several counties, no more than three to sit

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COURTS (*Cont'd*)

GENERAL SESSIONS, COURT OF (*Cont'd*)

together in any court. In each court chief justice, when present, to preside; in absence, senior associate judge present to preside. One to constitute quorum, except in cases of prosecutions under section 8 of article V, or to hear contested applications for license to sell intoxicating liquors, when two shall constitute quorum. One judge may open and adjourn. Two or more sessions or one or more sessions may be held at same time in same county or in different counties, and business in several counties may be distributed and apportioned in such manner as shall be provided by rules of said courts. To have all jurisdiction and powers vested in court of general sessions of the peace and jail delivery; co-extensive with state, legislature to have power to confer additional power. Process may be issued out of each court in either county, into every county. Legislature may give certain criminal jurisdiction to inferior courts, established by it in case of misdemeanors and grant or deny privilege of appeal to general sessions if sentence is not imprisonment exceeding one month or fine exceeding $100. Must be appeal in these latter cases. Governor to have power to commission judge *ad litem* to constitute a quorum, commission to confine office to cause and to expire on determination of same. To receive reasonable compensation to be fixed by legislature. Member of Congress or person holding or exercising office under United States is not disqualified. Court to have power to direct question of law to be heard by court *en banc* upon application of either party; this court to consist of five judges. Chief justice to preside when present, senior associate in absence. Four to constitute a quorum; one may open and adjourn court. (Del. IV 5, 6, 8, 15, 18, 19, 20, 30.)

GENERAL TRIAL COURTS

Under this subhead are grouped provisions relating to the principal trial courts of the states, where such courts have substantially the civil and criminal jurisdiction of the old courts of common pleas and king's bench in England. The name given to these courts in each state will be found under the subdivision "NAME". *Where the state separates its principal trial courts into distinct civil and criminal courts, See below, this title,* "GENERAL TRIAL COURTS FOR CIVIL CASES ONLY", *and* "GENERAL TRIAL COURTS FOR CRIMINAL CASES ONLY".

Character

To be court of record. (Ariz. VI 10; Cal. VI 12; Md. IV 1; Mich. VII 17; Mont. VIII 25; Nev. VI 8; Utah VIII 17; Wash. IV 11.)

Chief Justice, *See below, this subdivision,* JUDGES.

Clerks

See also above, this title, CLERKS.

Bond

To give bond and security for faithful performance of duties; amount as provided by law. (La. 122.)

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COURTS (*Cont'd*).
GENERAL TRIAL COURTS (*Cont'd*)
Clerks (*Cont'd*)
Compensation
As provided by law. (Cal. VI 21; Minn. VI 7; Mont. VIII 18; N.C. IV 18; N.D. IV 108; S.C. V 25; S.D. V 32; W.Va. VIII 18; Wyo. V 13.)
As provided by law and regulated by rules of court. (Colo. VI 19.)
As provided by law but until so provided, by board of supervisors. (Ariz. VI 18.)
Deputies; as provided by county commissioners. (Ida. XVIII 6, Amend. XI.)
Deputies; as provided by law. (Md. IV 25.)
Fees and perquisites prohibited. (Ariz. VI 18.)
Fees as provided by law for all civil matters. (La. 129.)
None from state or parish for services in criminal matters. (La. 122.)
Salaries as provided by law not to exceed 75 per cent. of fees collected. (Ky. 106.)
Duties in General
As provided by law. (Ariz. VI 18; Colo. VI 19; Fla. V 15; Kan. III 7; Minn. VI 7; Mont. VIII 18; N.Y. VI 19; W.Va. VIII 18; Wyo. V 13.)
As prescribed by law or by rules of his court. (Cal. VI 21.)
As provided by law and regulated by rules of court consistent therewith. (S.D. V 32.)
As regulated by rules of court. (Colo. VI 19.)
Legislature to provide authority to make such orders and do acts necessary for furtherance of justice in all cases; powers are specified and determined. (La. 123.)
Legislature to provide duties to be performed during vacation, subject to approval of court. (Miss. VI 168.)
Legislature to provide jurisdiction in matters of admission of wills to probate, of appointment and qualification of guardians, personal representatives, executors, appraisers and committees of the estates of persons adjudged insane or convicted of felony or in matter of substitution of trustees. (Va. VI 101.)
May issue process, take recognizance of bail, and enter judgment according to law and practice. (Del. IV 29.)
To be *ex officio* parish reporter of conveyances, mortgages and other acts and notary public. (La. 122.)
To be *ex officio* county recorder. (Ark. VII 19.)
To be *ex officio* recorder of deeds, except in counties having 60,000 or more inhabitants in which recorder of deeds shall be elected. (Ill. X 8.)
To be *ex officio* auditor and recorder for counties. (Ida. XVIII 6.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Clerks (*Cont'd*)

Duties in Connection with Other Courts

May act as clerk of chancery when appointed by them. (Ala. VI 165.)

To act as clerk of county court. (S.D. V 32.)

To be *ex officio* clerk of all other courts of record in county unless by law election of a clerk is provided. (Ohio IV 16; S.C. V 27.)

To be *ex officio* clerk of intermediate courts of appeal. (La. 122.)

Clerk of general trial court of parish where sessions of intermediate courts of appeal are held, to serve as clerk and attend sessions either in person or by deputy until otherwise provided by law. (La. 106.)

To be *ex officio* clerk of probate and county courts provided county has less than 15,000. (Ark. VII 19.)

How Selected

As provided by law. (Miss. VI 168.)

Elected. (Fla. V 15; Ohio IV 16; Ida. V 16; Md. IV 25.)

Elected in manner prescribed by law. (Wyo. V 13.)

Elected by qualified electors of county. (Ala. VI 165; Ark. VII 19; La. 122; N.D. IV 108; Ohio IV 16; S.C. V 27; S.D. V 32; W.Va. VIII 18; Wis. VII 12.)

Elected by qualified electors of county at general election. (Del. III 22.)

Elected by qualified electors for state and county officers. (Tex. V 9.)

Elected by qualified electors of county at time provided by law for election of members of legislature. (N.C. IV 16.)

Election by qualified electors of county at election of judges of general trial term. (Ariz. VI 18.)

Elected by qualified electors of county at election of district judge. (Mont. VIII 18.)

Elected in each county on Tuesday after first Monday in November. (*For special provisions in Cook county, See below, this subdivision,* SPECIAL ORGANIZATION FOR COOK COUNTY.) (Ill. X 8.)

To be county officers, and elected as such. (*See* COUNTIES — OFFICERS.) (Pa. XIV 1, 2.)

County clerks shall be. (N.Y. VI 19; Wash. IV 26.)

Clerk of each county organized for judicial purposes to be clerk of general trial court of such county. (Mich. VII 11.)

Until otherwise provided by law county clerk shall perform duties now performed. (N.M. VI 22; Utah VIII 14.)

Location of Office

In town or place where general trial court is usually held. (Del. III 23.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Clerks (*Cont'd*)
Name
Clerk or register of probate. (Minn. VI 7.)
Prothonotary. (Del. IV 29; Pa. V 7.)
Number
One in each county. (Fla. V 15; Ida. V 16; Md. IV 25; Mont. VIII 18; N.C. IV 16; S.C. V 27; Tex. V 9.)
One in each court. (Ariz. VI 18.)
One in each court (one court in each county). (Minn. VI 13.)
One in each county where term is held. (Colo. VI 19.)
One in each organized county. (Kan. III 7; S.D. V 32.)
One in each organized county in which a court is held. (N.D. IV 108; Wyo. V 13.)
One in each county or circuit organized for judicial purposes. (Wis. VII 12.)
One in each parish; parish of Orleans excepted. (La. 122.)
Counties having population of 150,000 or over, to have one clerk. (Ky. 137.)
Power of Appointment
County commissioners to empower clerk to appoint deputies and clerical assistants as business requires. (Ida. XVIII 6, Amend. XI.)
May appoint coroner for special cases where there is none in county. (N.C. IV 24.)
With approval of judges, to appoint as many deputies as judges deem necessary. (Md. IV 26.)
With approval of judge to appoint deputies with such powers as provided by law. (La. 124.)
Prohibition on Practice of Law
In any court of state. (Mont. VIII 31.)
Qualifications
General provisions as prescribed by law. (Minn. IV 13.)
Removal
At pleasure of court. (Cal. VI 21.)
By information on good cause shown; highest court to be judge of facts; two-thirds of members present to concur in sentence. (Ky. 124.)
By information or indictment of grand jury and conviction of trial jury. (Tex. V 9.)
By judges of general trial court for incompetency, official misconduct, habitual drunkenness; other causes as provided by law to be set forth in writing and finding of truth by jury. (Tex. V 25.)
Deputies may be removed for incompetency, neglect of duties, etc. (Md. IV 25.)
Manner provided by law. (W.Va. VIII 18.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Clerks (*Cont'd*)

Removal (*Cont'd*)

May remove for wilful neglect of duty or other misdemeanor in office or on conviction in a court of law. (Md. IV 25.)

For specified causes by general trial court, courts of like jurisdiction, or by criminal court of county in which clerk holds office; provided, right of trial by jury and appeal be secured. (Ala. VII 175.)

Residence

In respective county for which elected. (S.D. V 32, 37.)

In respective counties during term of office. (Kan. III 11.)

Within district for which elected during term of office. (Mont. VIII 33.)

Special Provisions for Particular Courts

For Philadelphia one clerk's office and one clerk for all general trial courts, appointed by judges for three years, subject to removal by majority of them; prothonotary to appoint assistants as authorized by general trial court; he and assistants to receive salary as provided by law and paid by county; all fees due commonwealth paid to county treasurer (applies only to civil cases). (Pa. V 7.)

Term of Office

As prescribed by law. (Minn. VI 7.)

At pleasure of court. (Cal. VI 21.)

Two years. (Ark. VII 19; Kan. III 7; S.D. IX 5; Tex. V 9.)

Four years. (Ariz. VI 18; Del. III 22; Fla. V 15; Ida. V 16; La. 122; Minn. VI 6; Miss. VI 168.)

Four years; and until successors are qualified. (N.C. IV 17, 24.)

Four years and until successors elected and qualified. (S.C. V 27.)

Four years from first Monday of December after election and until successor elected and qualified; special provisions in Cook county. (Ill. X 8, VI 27.)

Six years. (Ala. VI 165; W.Va. VIII 18.)

Six years and until successor elected and qualified. (Md. IV 25.)

Same as district judge. (Mont. VIII 18.)

Same as other county officers. (N.D. IV 108.)

Vacancies

Filled by judge for unexpired term. (Ala. VI 165.)

To be filled by special election unless occurring nine months before next general election when filled by appointment by governor. If elected from county the vacancy is filled by special election unless occurring six months before next general election when filled by governor. (Ark. VII 19, 50.)

To be filled as provided by law. (Ida. V 19.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Clerks (*Cont'd*)
Vacancies (*Cont'd*)
Court shall have power to appoint deputy clerk until successor is appointed by governor, or elected and qualified; election to fill must be held within 60 days from date of vacancy provided that if unexpired term is for shorter period than one year, appointee of governor shall hold office for term. (La. 124.)
Judges may fill until general election for delegates to legislature to be held next thereafter when successor shall be elected for the term of six years. (Md. IV 25.)
By appointment of judges within respective jurisdictions. (Mich. VII 11.)
Filled by appointment by board of county commissioners of county where vacancy occurs; to hold office until his successor is elected and qualified. If elected to fill vacancy, shall hold office for unexpired term. (Mont. VIII 34.)
Filled by appointment of judge in case of vacancy otherwise than by expiration of term and in case of failure by people to elect until election can be regularly held. (N.C. IV 29.)
To be filled by appointment by county board where it occurs until next general election. (S.D. V 32, 37.)
Filled by appointment of judge of general trial court until office can be filled by election. (Tex. V 9.)
Court or judge of court, in vacation to fill until next general election. If clerk is so situated as to make it improper for him to act, court shall appoint a clerk to act. (W.Va. VIII 18.)
By appointment as prescribed by law. (Wyo. V 13.)
Costs and Fees
Legislature to impose tax on all civil suits in the municipal, inferior or general trial courts; tax to constitute a fund to be applied toward the payment of the salary of judges. (Wis. VII 18.)
All fees, fines and penalties to be paid into the county treasury. (Pa. V 13.)
Court Commissioners
Judges to appoint in their respective counties as may be deemed necessary. Powers, duties and compensation as provided by law. (Ariz. VI 19.)
Judge may appoint in each county in his district one or more attorneys with power to allow writs of injunction, issue writs of habeas corpus, returnable before himself or the judge. Orders may be reviewed by general trial judge and confirmed, qualified or vacated. May be removed by judge, legislature may confer upon them further powers, not judicial, and shall fix compensation. (Fla. V 14.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Court Commissioners (*Cont'd*)

May be appointed in each county by judges of general trial court having jurisdiction, one or more, not exceeding three who shall have authority to perform like duties as judge of general trial court at chambers, subject to revision by such judge, to take depositions and perform such other business connected with administration of justice as prescribed by law. (Wash. IV 23.)

Legislature may provide for appointment of one or more in their respective counties or cities and counties with authority to perform chamber business of judges of general trial courts, to take depositions and perform such other business connected with administration of justice as may be prescribed by law. May receive fees or perquisites of office. (Cal. VI 14, 15.)

Legislature may provide for election of one or more in each organized county who may be vested with judicial powers not exceeding those of judge of general trial court at chambers. (Mich. VII 21.)

Legislature may provide for election of one person in each organized county with judicial power and jurisdiction not exceeding power and jurisdiction of judge of general trial court at chambers; or legislature may, instead of election, confer such power and jurisdiction upon judges of probate. (Minn. VI 15.)

Legislature may provide for appointment of one or more in each organized county, and may vest in them such judicial powers as shall be prescribed by law. Said power not to exceed judge of general trial court at chambers. (Wis. VII 23.)

Legislature to provide for appointment by several district courts of one or more district court commissioners (who shall be persons learned in law) in each organized county in which district court is held. To have authority to perform such chamber business in absence of district judge from county or upon his written statement filed with papers, that it is improper for him to act, as may be prescribed by law, to take depositions and perform such other duties and receive such compensation as shall be prescribed by law. (Wyo. V 14.)

Decisions

See also below, this subdivision, JUDGMENTS.

Reasons to be Set Forth

To be in writing; grounds of decision stated. (Cal. VI 24.)

Time Given for

Must be made 60 days from the rising of the last court of the district being held at time of submission. (S.C. V 17.)

Must be made within 90 days from day of hearing, provided that if within 90 days a rehearing ordered, the period within which judge must decide shall begin at time case is submitted upon rehearing. (Wash. IV 20.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Decisions (*Cont'd*)
Time Given for (*Cont'd*)
Must be made within 60 days from submission; provided, that if within 60 days a rehearing ordered the period within which judge must decide shall begin at time case is resubmitted. (Ariz. VI 15.)
Must be made within two months after argument or submission. (Md. IV 23.)
No judge to receive salary unless he makes and subscribes affidavit that no cause in his court remains pending undecided that has not been submitted for decision for a period of 30 days. (Ida. V 17.)
Same; 90 days. (Cal. VI 24.)
Divisions, *See below, this subdivision,* SESSIONS.
Establishment, *See above, this title,* ESTAPLISHMENT.
Judges
See also below, this title, JUDGES.
In Delaware, See above, this title, ASSOCIATE JUDGES OF STATE.
Ad Litem Appointees
For power of judges to hold court for each other, See below, this subdivision, JUDGES — POWER TO ACT IN OTHER DISTRICTS.
Absence of judge, a reason for. (Kan. III 20; Ky. 136; Okla. VII 9; Tex. V 7; W.Va. VIII 15.)
Disqualification of one or more judges to sit in case, a reason for. (Kan. III 20; N.M. VI 15; Tex. V 11.)
Illness of judge, a reason for. (Ind. VII 10.)
Inability of judge to sit in case, a reason for. (Ind. VII 10; Kan. III 20.)
Recusation of judge, a reason for. (La. 112.)
Appointed by bar. (Ga. VI Sec. IV 9; Kan. III 20.)
Appointed by bar; detail of method given. (Ark. VII 21.)
Legislature to provide for appointment by bar. (Kan. III 20.)
Appointed by parties. (Fla. V 19; Mont. VIII 36.)
Appointed by parties by consent; if parties fail, as prescribed by law. (Tex. V 11.)
Appointed by parties; if parties cannot agree, at request of either party by members of bar of district present at term; if no election, by assignment by chief justice of highest court of another general trial court judge. (Okla. VII 9.)
Appointed by parties; if parties cannot agree, court clerk appoints; legislature may provide other methods. (Ala. VI 160.)
Appointed by parties; if parties cannot agree governor to appoint. (Miss. VI 165.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Ad Litem Appointees (*Cont'd*)

Appointed by parties, or their attorneys of record. (N.M. VI 15; Utah VIII 5.)

Appointed by parties, of their attorneys of record, agreed on in writing. (Cal. VI 8; Ida. V 12; Wash. IV 7.)

Legislature to provide for trial of recused cases by selection of licensed attorneys having qualifications required for judges except that of residence in district, or by interchange of judges, or otherwise. (La. 112.)

Legislature may provide for selection or election of suitable person to preside in special cases. (Colo. VI 12.)

Legislature may provide for temporary appointment of persons learned in law to hold special or regular terms in case of necessity. (S.C. V 6.)

Legislature may provide for holding court. (Ala. VI 161; Ind. VII 10; Ky. 136; Tex. V 7; W.Va. VIII 15.)

Legislature to provide for holding court. (W.Va. VIII 15.)

Legislature to provide for holding court in cases of disability or disqualification of judge. (Tex. V 7.)

Commission to expire on termination of cause. (Ala. VI 160; Fla. V 19.)

Appointee to be learned in law. (Ala. VI 160.)

Appointee to be member of bar. (Ala. VI 160; Ida. V 12; N.M. VI 15; Utah VIII 5; Wash. IV 7.)

Appointee to have law knowledge. (Miss. VI 165.)

Appointee to have same power as regular judge of court. (Ala. V 160; Cal. VI 8; Mont. VIII 36.)

In case of absence of judge of general trial court from county, or in case of his disqualification for any reason, the county court judge shall have power to issue writs of injunction in matters about to be brought or pending in general trial court. (Okla. VII 12.)

Assistant Judges

Elected by freemen of respective counties, biennially on first Tuesday after first Monday of November in same manner as senators. Term of office two years from first day of February next after election. (Vt. II 35, 45, 48, 49.)

Associate Judges Not Learned in the Law

Office abolished in counties forming a separate district. (Pa. V 5.)

Chief Justice

To be chosen from their own number by members of court, designated "presiding judge", and removable at pleasure of fellow judges. To distribute business of court among judges thereof and prescribe order of business. (Cal. VI 6.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Chief Justice (*Cont'd*)
To preside when present and in absence senior associate judge present to preside. To preside in court *en banc* when present and in absence senior associate judge present to preside. (Del. IV 5, 15.)
Commissions
Shall be commissioned by governor. (Ky. 129.)
Compensation
As prescribed by law. (Ark. VII 18; Cal. VI 17; Iowa V 9; Mo. VI 33; Minn. VI 6; Miss. VI 166; N.C. IV 18; N.D. IV 99; Ohio IV 14; S.C. V 9; Wis. VII 10; Wyo. V 17.)
As provided by law, to be adequate; to be equal and uniform throughout state so far as same is paid out of state treasury. (Ky. 133.)
Not less than $1,500 per annum. (Kan. III 13; Wis. VII 10.)
$1,800 per annum in constitution; now $3,300; Ohio county may pay an additional sum per annum but such allowance not to be increased or diminished during term of office of judges to whom made. (W.Va. VIII 16.)
Not more than $2,000 per annum, until increased by legislature on two-thirds vote of each house. (Ga. VI Sec. XIII 1, 2.)
Not less than $2,000. (Va. VI 103.)
$2,500 per annum. (Tex. V 7.)
Not more than $2,500 per annum. (S.D. V 30, XXI 2.)
$2,750 per annum. (Fla. V 8.)
$2,800 per annum in constitution; now $3,600. (Md. IV 24.)
$3,000 per annum. (La. 108; Nebr. VI 13.)
$3,000 per annum until otherwise provided by law. Ida. V 17; Ill. VI 16; Utah VIII 20.)
Not less than $3,000 per annum. (Wash. IV 14.)
$3,500 per annum until otherwise provided by law. (Mont. VIII 29.)
$4,000 per annum until otherwise provided by law. (Colo. V 30, VI 18.)
$4,500 per annum. (N.M. VI 17.)
From $6,000 to $3,600 per annum until otherwise provided by law. (Nev. XVII 16, 17.)
$7,000 per annum for first term succeeding formation of state government. (Nev. XVII 5.)
$10,000 per annum. Those assigned to intermediate court of appeals in third and fourth departments, additional $2,000, and presiding judge of said courts $2,500 additional; those elected in the first and second judicial departments shall continue to receive from their respective cities, counties or districts, as now provided by

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Compensation (*Cont'd*)

law, such additional compensation as will make their compensation what they are now receiving. Those judges elected in any judicial department other than the first or second assigned to the appellate division of the first or second departments, shall, while so assigned, receive from those departments, respectively, as now provided by law, such additional sum as is paid to judges of those departments; judges in third and fourth department assigned to appellate division or designated by governor to hold a trial or special term in judicial district other than that in which elected shall receive in addition $10 per day for expenses while actually so engaged, which shall be paid by state and charged upon judicial district where service is rendered. (N.Y. VI 12.)

To receive a salary, and in addition to salary paid from state treasury, each judge may receive from county in which he regularly holds court such additional salary as may be determined from time to time by board of supervisors of county; in any county where such additional salary is granted it shall be paid at same rate to all circuit judges regularly holding court therein. (Mich. VII 12.)

No additional compensation for serving as judge of intermediate court of appeals. (Ill. VI 11.)

Mileage paid. (Utah VIII 20.)

Mileage, same as members of legislature. (W.Va. VIII 16.)

Compensation to be in lieu of all other compensation and allowances for expenses. (N.Y. VI 12.)

Fees and perquisites prohibited. (Ark. VII 18; Colo. VI 18; Kan. III 13; La. 96; Minn. VI 6; Mont. VIII 30; Nebr. VI 14; Nev. XVII 5; Ohio IV 14; S.C. V 9; S.D. V 30, XXI 2; Wis. VII 10.)

Increase prohibited during continuance in office. (Miss. VI 166.)

Increase prohibited during term for which elected. (Ida. V 27; Ill. VI 16; Kan. III 13; Mo. VI 33; N.D. IV 99; Ohio IV 14; Utah VIII 12; Wyo. V 17.)

Increase prohibited after election and during term for which elected. (Wash. IV 13.)

Increase or decrease prohibited during term for which elected, unless a vacancy occurs; successor of former incumbent to receive only salary provided by law at time of election or appointment. (Nev. VI 15.)

Decrease prohibited during continuance in office. (Ind. VII 13; Md. IV 24; Minn. VI 6; Miss. VI 166; Mont. VIII 29.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Compensation (*Cont'd*)
Decrease prohibited during term for which elected. (Ark. VII 18; Ga. VI Sec. XIII 1, 2; Ida. V 27; Ill. VI 16; Mo. VI 33; N.D. IV 99; Ohio IV 14; S.C. V 9; Utah VIII 12; Wyo. V 7.)
Decrease prohibited during term for which elected in all counties having but one judge and in all counties in which terms of judges expire at same time. (Cal. VI 17.)
Payable by state. (Mont. VIII 29; N.M. VI 17.)
Payable out of state treasury. (Ga. VI Sec. XIII 1; Utah VIII 20.)
Payable one-half by state; one-half by county in which elected. (Cal. VI 17.)
Payable one-half by state, one-half by counties for which elected; amount paid by counties to be apportioned according to their respective populations. Salary of judge of Richmond court paid by state. (Va. VI 103.)
Payable one-half by state, one-half by counties in which elected; amount paid by counties to be apportioned according to assessed value of taxable property determined by next preceding assessment. (Wash. IV 13.)
Payable out of county treasury in counties composing their respective districts. (Nev. VI 15.)
Provisions to be made for setting apart from each year's revenue enough to pay. (Nev. VI 15.)
Payable at stated times. (Ind. VII 13; Kan. III 13; Ky. 133; Minn. VI 6; Mo. VI 33; Mont. VIII 29; Ohio IV 14; Utah VIII 12; Wash. IV 13.)
Payable monthly. (Mich. VII 12.)
Payable monthly, on their own warrant. (La. 108.)
Payable quarterly. (Ill. VI 16; Mont. VIII 29; N.M. VI 17; Nev. VI 15; Utah VIII 20.)
No judge to receive salary until he makes and subscribes affidavit that no cause in his court remains pending undecided that has been submitted for decision for period of 90 days. (Cal. VI 24.)
Same; 30 days. (Ida. V 17.
Conservators of Peace
To be within their respective districts. (Ark. VII 13; Mo. VI 25; N.M. VI 21.)
Dual Office Holding
Not to hold seat in legislature. (Ark. V 7; Conn. X 4.)
Not to hold any office of trust or profit under state or United States. (Ark. VII 18.)
Not to hold any office or public employment other than judicial office during term for which elected. (Cal. VI 18; Wash. IV 15.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Dual Office Holding (*Cont'd*)

Not to hold any office during term for which elected except that of judge of highest court. (Iowa V 5.)

Not to hold any office of trust or profit under state or United States, during term for which elected. (Kan. III 13.)

Not to hold other office under government of state; except justice of peace, or militia office. (Mass. Amend. VIII.)

Not to hold any office in state other than judicial office during term for which elected and for one year thereafter. (Mich. VII 9.)

Not to hold any office under state or United States; all such elections or appointments by people, legislature or otherwise, void. (Minn. VI 11.)

Not to hold any office while he remains in office. (Mont. VIII 35.)

Not to hold any office in state other than judicial office. (N.M. VI 19.)

Not to hold any office or public trust; votes for them for any other than a judicial office, by legislature or people, to be void. (N.Y. VI 10.)

Not to hold any office other than judicial office during term for which elected or appointed; all such elections or appointments by people, legislature or otherwise, void. (N.D. IV 119.)

Not to hold any office or trust or profit under state or United States; all such elections by people or legislature, void. (Ohio IV 14.)

Not to hold any office under state or United States or any other power. (S.C. V 9.)

Not to hold any office or public trust during continuance in office. (Va. VI 105.)

Not to hold any office or public trust other than judicial office during term for which elected; all such elections by legislature or people, void. (Wis. VII 10.)

Election, Time of

As to whether elected or appointed, See below, this subdivision, JUDGES — HOW SELECTED.

As prescribed by law, but change in time of election not to affect right to hold office for fall term. (Ala. VI 152, 155.)

As prescribed by law; legislature may provide for election on different day from that on which an election is held for any other purpose, and for this purpose may extend or abridge term of office of any judge then holding office, but in no case more than six months. (Colo. VI 15; Ind. II 14; S.D. V 26.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Election, Time of. (*Cont'd*)
At general state election. (Ariz. VI 5; Iowa V 11; Ky. 129; Wash. IV 15; Wyo. V 19.)
At general state election next preceding expiration of their respective terms. (Ga. VI Sec. III 2; Nebr. XVI 13; Okla. VII 9.)
At time of election of representatives in Congress. (N.M. VI 12.)
First Monday in April. (Mich. VII 9.)
First Monday in June. (Ill. VI 14.)
To be held on the municipal election day, Tuesday next following first Monday of November in each odd numbered year, but legislature may fix a different day, two-thirds of all members of each house consenting, provided that such election shall be held in odd numbered years. (Pa. VIII 3.)
Tuesday after first Monday in November, 1914, and biennially thereafter. (Vt. II 35.)
Tuesday after first Monday in November, 1916, and every four years thereafter. (La. 109 (1914).)
Free Passes
During term of office not to accept, hold or use free pass nor purchase, receive or accept transportation over railroad within state for himself or family on terms not open to general public, and on conviction to forfeit office, be guilty of felony, and punished by fine of not more than $1,000 or by imprisonment in penitentiary not less than one nor more than five years. (N.M. XX 14.)
How Selected
Appointed by governor; confirmed by senate. (Fla. V 8; Miss. VI 153.)
Appointed by legislature upon nomination of governor in manner prescribed by law. (Conn. Amend. 26.)
Appointed by governor until next general election in new district if court is created more than six months before a general election for general trial court judges. (Ala. VI 159.)
Elected by legislature on joint vote of both houses. (S.C. V 13; Va. VI 96.)
Elected by legislature on joint vote of both houses; presiding officer of senate to preside and have casting vote, but no other. (Vt. II 42.)
Elected at large on non-partisan ballot. (Ariz. VI 5.)
Elected by qualified voters of state at large; legislature may provide for election by qualified voters of district. (N.C. IV 21.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

How Selected (*Cont'd*)

Elected by electors qualified to vote for members of legislature of whole state; additional judges elected or appointed as prescribed by law. (Ga. VI Sec. III 2.)

Elected in each judicial circuit. (Mich. VII 9.)

Elected by qualified voters of county. (Ariz. VI 5; Ohio IV 3; Wash. IV 5.)

Elected by qualified voters of county, or city and county. (Cal. VI 6.)

Elected by qualified voters of district. (Ala. VI 152; Ark. VII 13, 17; Colo. VI 12; Ida. V 11; Ind. VII 9; Iowa V 5; Kan. III 5; Ky. 129; La. (1914) 109; Minn. VI 4; Mo. VI 25; Nebr. VI 10; Nev. VI 5; N.M. VI 12; N.Y. VI 1; Okla. VII 9; S.D. V 15; Tenn. V 7; Tex. V 7; Utah VIII 5; W.Va. VIII 10; Wis. VII 7; Wyo. V 19.)

Elected by electors of districts. If more than one judge in district, severally by general ticket. (Ill. VI 13, 15.)

Circuit courts to be held by one or more of judges of intermediate court of appeal, or a judge appointed for that purpose. (N.J. VI Sec. V 2.)

The five state judges shall designate those of their number who shall hold said court; no more than three of them shall sit together. (Del. IV 1.)

In case court of common pleas heretofore established is abolished, legislature may constitute judge one of judges of general trial court of district wherein common pleas was established, for a period not exceeding unexpired term for which he was elected. (Minn. VI 4.)

Time of election, *See above, this subdivision,* JUDGES — ELECTION, TIME OF.

Impeachment, See IMPEACHMENT.

Non-Judicial Duties

Not to perform any to which may belong any emoluments. (Ill. VI 16.)

Not to be imposed except as provided in constitution. (La. 96.)

Number

One for each district. (Ala. VI 142; Ark. VII 13; Ida. V 11; Ind. VII 8; Nebr. VI 10; N.C. IV 10; S.C. V 13; Tex. V 7; Va. VI 96; Wyo. V 19.)

At least one for each county. (Wash. IV 5.)

One or more for each district as may be prescribed by legislature. (Minn. VI 4.)

One for each district; legislature may increase. (N.D. IV 104, 106.)

One for each district; may be increased in any district by legislature. (Mich. VII 8.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Number (*Cont'd*)

One for each district; may be increased in any district by legislature; special organization for particular counties (*as to which, See below, this title,* GENERAL TRIAL COURTS FOR CIVIL CASES ONLY). (Pa. V 5, 6.)

One for each district; may be increased in any district by two-thirds vote of members of each house. (S.D. V 15, 17.)

One for each district; may be increased or decreased by legislature; provided at least one judge for each district. (Mont. VIII 14.)

One for each district; may be increased or diminished in any district, provided at least one for district. (Ga. VI Sec. III 1.)

One for each district; number may be increased or diminished by legislature at any regular session, but change not to have effect of removing judge from office. (Iowa V 5, 10.)

One for each district; legislature may increase or diminish, but change not to affect removal of judge from office during term for which elected or appointed; total number of judges in all districts not to exceed four until taxable value of property in state over $100,000,000. (Wyo. V 19, 21.)

One or more for each district; may be increased or diminished in any district by two-thirds vote of members of each house. (Colo. VI 12, 14.)

One judge elected from each district unless legislature divides state into districts of greater population and territory, then limit is four judges; special provision for Cook county. (Ill. VI 13, 15, 23.)

One for each county of more than 30,000 by census enumeration; one judge for every additional 30,000 or a majority fraction thereof. (Ariz. VI 5.)

One for each district in counties having a city of 20,000 inhabitants and a population including city of 40,000, constituting a separate district, legislature may provide an additional judge when population reaches 75,000 and judge for each additional 50,000 population above 100,000. County having population of 150,000 or over to be entitled to four judges. Legislature may authorize additional judges not to exceed one for each increase of 40,000, to be ascertained by last enumeration. (Ky. 137, 138.)

One for each district except first; two for first. (W.Va. VIII 10.)

One for each district except thirteenth; two for thirteenth. (Okla. VII 9.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Number (*Cont'd*)

One for each district except first; three in first district. (Nev. VI 5.)

One for each district; where district composed of one county legislature may increase to five; St. Louis county to have five and such additional number as may be prescribed by legislature. (Mo. VI 24, 27, 28.)

One or two judges as specifically designated for each county; San Francisco, 12; legislature may by two-thirds vote of members of each house increase or decrease number, but reduction not to affect judge who has been elected. (Cal. VI 6, 9.)

One for each district, except those specified as having two and those specified as having three; legislature not to increase number in any district. (La. 109 (1914), 110.)

One to three for each district as may be prescribed by law. (Utah VIII 5, 6.)

Three for each district except fourth; four in fourth district. (Md. IV 31.)

Eight, one judge assigned to each district. (Fla. V 8.)

One resident judge and such additional judges as may be provided in each county. Laws may increase beyond one or diminish to one number of judges whenever two-thirds of members elected to each house concur; but no change addition or diminution shall vacate office of any judge. (Ohio IV 3, 15.)

Judges now in office, judges transferred from trial courts abolished by article VI, section 5 of constitution, and 12 additional judges; legislature may from time to time increase number of judges in any judicial district except that in first and second districts, or in any of districts into which second district may be divided, number not to be increased to exceed one judge for each 80,000 or fraction over 40,000 of population as shown by last state or federal census or enumeration, and in any other district not to be increased to exceed one judge for each 60,000 or fraction over 35,000 of population as shown by last state or federal census or enumeration. Legislature may provide for election of additional judges in new district, if created out of second district, not exceeding limit herein provided. (N.Y. VI 1.)

Ad litem appointees, See above, this subdivision, JUDGES — AD LITEM APPOINTEES.

Oath of Office

Take and subscribe; substance set forth; oath filed with secretary of state. (Ariz. VI 21; Wash. IV 28.)

Filed with secretary of state. (Colo. XII 9.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Power of Appointment
None except to appoint court clerk in case of vacancy. (Mich. VII 2.)
Power to Act in Other Districts
May act in other districts as prescribed by law. (Ark. VII 22; Ga. VI Sec. III 1; Miss. VI 158; N.D. IV 116; S.D. V 29.)
May act in other districts at request of judge of other district. (Ariz. VI 7; Cal. VI 8; Ida. V 12; Mo. VI 29; N.M. VI 15; Utah VIII 5; Wash. IV 7.)
May hold court for each other. (Ala. VI 144; Colo. VI 12; Mont. VIII 12; Nebr. VI 12; Ohio IV 3; W.Va. VIII 11; Wis. VII 11; Wyo. V 11.)
May exchange districts or hold courts for each other whenever deemed by them expedient. (Tex. V 11.)
If vacancy occurs in office of judge of any circuit, his term of court or any unexpired portion thereof, may be held by judge of any other circuit. (Mo. VI 29.)
If judge of district is sick, his term of court, or part thereof unfinished, may be held by a judge of any other circuit. (Mo. VI 29.)
If judge of any circuit be absent or from any other cause unable to hold term or part of term of court, a judge of any other circuit may hold same. (Mo. VI 29.)
Until legislature makes provision therefor, chief justice of highest court may assign any judge to any county to hold court therein. (Ohio IV 3.)
Legislature may provide, by law, that judges of one circuit may hold court of another circuit, in cases of necessity or convenience. (Ind. VII 10.)
Judge of one circuit may be required or authorized to hold court in any other. (Va. VI 97.)
Legislature to provide by law for interchange of judges and for trial of recused cases by interchange of judges or otherwise. (La. 112.)
If for illness or other cause judge elected in any district be unable to preside therein, chief justice may designate another to hold any term of court in his place. (Okla. VII 9.)
Judges of circuit courts shall interchange circuits with each other and legislature shall provide therefor. (S.C. V 14.)
When business requires, chief justice may appoint any district judge to hold court in any district and two or more may sit in any district separately. (Okla. VII 9.)
Obliged to act when directed by chief justice of highest court. (Okla. VII 9.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Power to Act in Other Districts (*Cont'd*)

Obliged to act when required. (Wyo. V 11.)

Obliged to act when required by governor. (Ida. V 12.)

In case of disqualification or inability of judge, judge of another county shall serve upon request of governor. (Ariz. VI 7.)

In case of protracted illness of judge or of other unavoidable accident by reason of which he is unable to preside, governor may require judge to hold one or more specified terms in district. (N.C. IV 11.)

If judge prevented by disability or other cause from holding court, or in case of vacancy, on certificate of clerk under seal to highest court, or any judge thereof, if, in judgment of court or any judge, public interest so requires, court or judge to appoint judge of another district to hold court and discharge duties of disabled judge; such appointment filed in clerk's office and entered on minutes of general trial court, and certified copy under seal of court transmitted by clerk to judge so appointed. (La. 112.)

Obliged to act when required by law. (Ala. VI 144; Mich. VII 8; Mont. VIII 12; Nebr. VI 12.)

Power to Hold Preliminary Examinations, See below, this title, TRIALS — PRELIMINARY EXAMINATIONS.

Prohibited from Sitting

Until legislature makes provision therefor chief justice of highest court to pass upon disqualification or disability of any judge. (Ohio IV 3.)

No more than three of the five stated judges designated to hold court shall sit together. (Del. IV 1.)

Prohibitions on Practice of Law

Shall not act as attorney or counsellor. (Colo. VI 18; Nebr. VI 14; N.D. IV 117; S.D. V 31; Wyo. V 26.)

Shall not practice law in any court of state. (Kan. III 13; Mo. VIII 31.)

Shall not practice law in any court in state, or act as referee. (N.Y. VI 20.)

Shall not practice law in any court, state or federal, in state. (Ark. VII 25.)

Shall not practice law within or without state. (Va. VI 105.)

Qualifications — In General

Shall possess same qualifications as judges of highest court (five years practicing law, or on bench somewhere in United States). (Va. VI 96.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Qualifications — In General (*Cont'd*)
Shall possess same qualifications as judges of highest court (30 years of age, United States citizenship, citizen of state for five years, learned in the law). (Mo. VI 13.)
Shall possess same qualifications as judges of highest court (30 years practicing law, and resided in state three years). (N.M. VI 13.)
Qualifications — Age
At least 25 years. (Ariz. VI 13; Ill. VI 17; Mont. VIII 16; N.D. IV 107; Okla. VII 9; S.D. V 25; Utah VIII 5; Wis. VII 10.)
At least 26 years. (Miss. VI 154; S.C. V 10.)
At least 28 years. (Ark. VII 16.)
At least 30 years. (Colo. VI 16; Ga. VI Sec. XIV 1; Ida. V 23; Mo. VI 26; Tenn. VI 4.)
At least 35 years. (Ky. 130.)
At least 38 years. (Wyo. V 12.)
Qualifications — Attorney
Admitted to practice. (Utah VIII 5.)
Admitted to practice in state. (N.Y. VI 20.)
Admitted to practice in courts of record of state. (Wash. IV 17.)
Admitted to practice in highest court of state. (Cal. VI 23; Mont. VIII 16.)
Admitted to practice in highest court of state for at least two years. (Ariz. VI 13.)
Admitted to practice, or whose services as judge, when added to the time he may have practiced, amounts to at least four years. (Tex. V 7.)
Admitted to practice, or whose services as judge of any court of record, when added to time he may have practiced, amounts to at least four years. (Okla. VII 9.)
Admitted to practice five years. (Miss. VI 154; S.C. V 10.)
Admitted to practice in state five years. (La. 109 (1914).)
Admitted to practice, or whose services as judge of any court of record, when added to time he may have practiced, amounts to at least six years. (Ark. VII 16.)
Admitted to practice seven years. (Ga. VI Sec. XIV 1.)
Admitted to practice eight years. (Ky. 130.)
Qualifications — Character
Moral character good. (Ark. VII 16.)
Qualifications — Citizenship
Citizen of United States. (Colo. VI 16; Ida. V 23; Ill. VI 17; Mont. VIII 16; N.D. IV 107; Okla. VII 9; S.C. V 10; S.D. V 25; Tex. V 7; Wis. VII 10; Wyo. V 12.)
Citizen of United States for five years. (Mo. VI 26.)
Citizen of state. (Ky. 130; S.C. V 10.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Qualifications — Citizenship (*Cont'd*)

Citizen of state for three years. (Ga. VI Sec. XIV 1.)

Citizen of state for five years. (Miss. VI 154.)

Qualifications — Education

Must be learned in the law. (Ariz. VI 13; Ark. VII 16; Colo. VI 16; Ida. V 23; La. 109 (1914); Minn. VI 6; N.D. IV 107; S.D. V 25; Utah VIII 5; Wyo. V 12.)

Qualifications — Elector

A qualified elector. (Ida. V 23.)

A qualified elector of district. (Colo. VI 16; N.D. IV 107; S.C. V 13; Wis. VII 10.)

A qualified elector of state for three years. (Mo. VI 26.)

Qualifications — Residence

Need not be in district. (Mont. VIII 16.)

Resided in district. (Minn. VI 4; Mo. VI 26.)

Resided in district one year next preceding election. (Ala. VI 142.)

Resided in district two years next preceding election. (Ky. 130; La. 109 (1914); Tex. V 7.)

Resided in state one year next preceding election. (Mont. VIII 16.)

Resided in state one year next preceding election; resident of district for which elected. (S.D. V 25.)

Resided in state two years. (Ark. VII 16.)

Resided in state two years next preceding election. (Ariz. VI 13; Colo. VI 16; Ida. V 23; N.D. IV 107; Wyo. V 12.)

Resided in state two years and district one year. (Okla. VII 9.)

Resided in state three years next preceding his election; resident of district for which elected. (Utah VIII 5.)

Resided in state five years next preceding election. (S.C. V 10.)

Resided in state five years and district one year. (Tenn. VI 4.)

Resided in state five years next preceding election; resident of district for which elected. (Ill. VI 17.)

No two in any one district at the time of their election or appointment shall reside in same county. Not to apply to third circuit where there are four judges; if two or more candidates from one county, that one only declared elected who has highest number of votes in circuit; if two from same circuit have equal number of votes, governor shall order new election for one associate judge, but the person residing in another county of the circuit who has the next highest number of votes, shall be declared elected. (Md. IV 21.)

Residence during term, See below, this subdivision, JUDGES — RESIDENCE.

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Removal
Impeachment, *See* IMPEACHMENT.
By governor upon address of legislature. (Ark. XV 3; Conn. Amend. XII; Ky. 129; Tex. XV 8.)
By legislature. (Cal. VI 10; Kan. III 15; N.Y. VI 11; Wis. VII 13.)
By highest court on information in name of state or in other manner prescribed by law. (Ind. XII 12.)
By highest court on presentment in writing under oath of not less than 10 lawyers practicing in incumbent's court and licensed to practice in highest court, founded on their knowledge or on written oaths of credible witnesses. Highest court to issue all needful process and make rules. Such causes to have precedence and be tried as soon as practicable. (Tex. XV 6.)
For any of causes specified in constitution, may be removed from office by judgment of highest court; suit may be instituted by attorney-general or district attorney when he thinks it should be instituted, or when directed to do so by governor or on written request and information of 25 citizens and taxpayers resident within the district over which judge presides; suits tried after citation and 10 days' delay for answering in preference to all other suits, pendency of such suit not to operate as suspension of office; where officer acquitted judgment rendered *in solido* against citizens signing request; judgment, in case of removal, shall extend not only to removal from office and disqualification from holding any office of honor, trust or profit under state, but also to disqualification for practice of law, and the party whether convicted or not, shall nevertheless be liable to prosecution and punishment according to law. (La. 221.)
Vote required, two-thirds of each house. (Ark. XV 5; Cal. VI 10; Conn. Amend. XII; Ky. 129; Tex. XV 8.)
Vote required, two-thirds of members elected to each house. (Kan. III 15; N.Y. VI 11; Wis. VII 13.)
Yeas and nays to be entered on journals. (Cal. VI 10; N.Y. VI 11; Tex. XV 8; Wis. VII 13.)
For good cause. (Ark. XV 3.)
For conviction of corruption or other high crime. (Ind. XII 12.)
For willful neglect of duty, incompetency, habitual drunkenness, oppression in office or other reasonable cause which shall not be sufficient grounds for impeachment (if removed by governor on address of legislature). (Tex. XV 8.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Removal (*Cont'd*)

For incompetency for duties; partiality, oppression, official misconduct; habits and conduct such as to render him unfit to hold office; negligent in discharge of duties; failure to execute in a reasonable measure the business of his courts. (If removed by highest court on presentment of bar.) (Tex. XV 6.)

For acceptance of free passes, etc., *See above, this subdivision,* JUDGES — FREE PASSES, ETC.

Causes entered at length on journals. (Tex. XV 8.)

Causes entered on journals. (Cal. VI 10; Kan. III 15; N.Y. VI 11.)

Incumbent to be served with copy of complaint. (Cal. VI 10; N.Y. VI 11; Wis. VII 13.)

Incumbent to have opportunity to be heard. (Cal. VI 10; N.Y. VI 11; Tex. XV 8; Wis. VII 13.)

Residence

In district. (Ala. VI 142; Ark. VII 13; Colo. VI 29; Fla. V 8; Ida. V 12; Ill. VI 32; Ind. VII 9; Kan. III 11; Minn. VI 4; Mo. VI 25; Mont. VIII 16; Nebr. VI 20; N.M. VI 14; N.C. IV 11; Ohio IV 12; Okla. VII 9; S.C. V 13; S.D. V 37; Tex. V 7; Va. VI 96; W.Va. VIII 10.)

Removal from district vacates office. (Ky. 129.)

As qualification for office. *See above, this subdivision,* JUDGES — QUALIFICATIONS.

Retirement on Account of Age

On reaching 70. (Conn. Amend. XII.)

Term of Office

As prescribed by legislature. (Wis. VII 7.)

Two years. (Vt. II 43.)

Four years. (Ark. VII 17; Ida. V 11; La. 109 (1914); Miss. VI 153; Nev. VI 5; N.Y. VI 4; Okla. VII 9; S.C. V 13; S.D. V 15; Tex. V 7; Utah VIII 5.)

Four years, and until successors are qualified. (Ga. VI Sec. III 1; Ill. VI 32; Nebr. VI 20; N.D. IV 104.)

Four years, and until successors are elected and qualified. (Ariz. VI 5; Iowa V 5; Mont. VIII 12; Wash. IV 5.)

Six years. (Cal. VI 6; Colo. VI 12; Ill. VI 12, 14; Ind. VII 9; Minn. VI 4; Mo. VI 25; Ohio IV 12, XVII 2.)

Six years, and until successors are qualified. (Wyo. V 19.)

Six years, and until their successors are elected and qualified. (Ky. 129; Mich. VII 9.)

Six years, and until their successors are elected or appointed and qualified. (Ala. VI 155.)

Eight years. (Tenn. VI 4; Va. VI 96; W.Va. VIII 10.)

May be extended by law, but such extension not to affect term for which any judge elected. (Utah VIII 24.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Term of Office (*Cont'd*)
Ends at different times for different members of court; specific provisions producing this result. (Cal. VI 6; Tex. V 6; Va. VI 96.)
Ends on same day throughout state. (Colo. VI 15; S.D. V 26.)
Ends when circuit abolished. (Mo. VI 24.)
Begins first day of January next succeeding election. Ga. VI Sec. III 3; Iowa V 11; N.Y. VI 4.)
Begins first Monday in January next succeeding election. (Ariz. VI 5; Ky. 129; Nev. VI 5; N.D. IV 104; Wyo. V 19.)
Begins second Monday in January next succeeding election. (Wash. IV 5.)
Begins first Thursday after first Tuesday in January next succeeding election. (Nebr. XVI 14.)
Where more than one judge in district, term of such additional judge, or judges, to begin as prescribed by legislature. (Ga. VI Sec. III 1.)
Vacancies
Filled by appointment by governor until next general election. (S.D. V 15, 37.)
Filled by appointment by governor until successor shall be elected and qualified in manner prescribed by law. (Ida. IV 6; Utah VII 10.)
Filled by appointment by governor until successor shall be elected and qualified; successor elected for unexpired term. (Mont. VIII 34.)
Filled by appointment by governor until successor shall be elected and qualified; successor elected at first general election, for unexpired term. (Ariz. VI 5; Cal. VI 6; Colo. VI 29; Nev. XVII 22; N.M. XX 4; Wash. IV 5; Wis. VII 9.)
To be filled by appointment of governor, unless otherwise provided for; appointees to hold places until next regular election for members of legislature. If person elected or appointed to any office neglect to qualify, such office shall be appointed to, held and filled, as provided in case of vacancies. (N.C. IV 10, 25.)
Filled by appointment by governor until successor shall be elected and qualified; successor elected at first general election occurring more than 30 days after vacancy, for unexpired term. (Ga. VI Sec. III 3; Nebr. VI 21.)
To be filled by special election unless occurring nine months before next general election when filled by appointment by governor. (Ark. VII 13, 50.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Vacancies (*Cont'd*)

Filled by election but if unexpired term does not exceed one year by appointment by governor. (Ill. VI 15, 32.)

Filled by appointment by governor until successor shall be elected and qualified; successor elected for unexpired term; if unexpired term less than two years vacancy filled by appointment by governor. (W.Va. VIII 10.)

Filled by appointment by governor with advice and consent of senate; if vacancy occurs in recess of senate governor appoints successor to hold office until session of senate. When temporary appointment of judge has been made during recess of senate, governor no power to remove the person or appointee nor power to withhold his name from senate for their action. (Miss. VI 177.)

Filled by appointment by governor with advice and consent of senate where unexpired portion of term is less than one year; where unexpired portion of term is one year or more, vacancy filled by special election to be called by governor and held within 60 days of vacancy under general election laws of state. (La. 109 (1914).)

Filled by appointment by governor with consent of senate, if senate not in session filled by governor; until last day of December next after election of successor; successor elected at first general election occurring not less than three months after vacancy, for full term. (N.Y. VI 4.)

Ad litem appointees, See above, this subdivision, JUDGES — AD LITEM APPOINTEES.

Judges acting in case of, See above, this subdivision, JUDGES — POWER TO ACT IN OTHER DISTRICTS.

Writs

See also below, this subdivision, WRITS.

Certiorari, power to issue and to hear and determine. (Mont. VIII 11; N.D. IV 103.)

Certiorari, jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)

Certiorari, power to issue. (Ariz. VI 6; Cal. VI 5; Nev. VI 6; Okla. VII 10; Tex. V 8; Utah VIII 7; Wash. IV 6; Wyo. V 10.)

Certiorari, power to issue same at chambers as in open court. (S.C. V 25.)

Habeas corpus, power to issue and to hear and determine. (N.D. IV 103.)

Habeas corpus, power to issue and to hear and determine on petition by or on behalf of, any person held in actual custody in their respective districts. May be issued and served on legal holidays and non-judicial days. (Mont. VIII 11.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Writs (*Cont'd*)
Habeas corpus, jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)
Habeas corpus, power to issue. (Mont. VIII 11; Okla. VII 10; Tex. V 8; Utah VIII 7.)
Habeas corpus, power to issue, on petition by or on behalf of any person in actual custody in their respective counties. May be issued and served on legal holidays and non-judicial days. (Wash. IV 6.)
Habeas corpus, power to issue on petition by or in behalf of, any person held in actual custody in their respective districts. (Nev. VI 6.)
Habeas corpus, power to issue on petition by or in behalf of any person in actual custody in their respective districts. (Wyo. V 10.)
Habeas corpus, power to issue on petition by or in behalf of any person in actual custody in their respective counties. (Ariz. VI 6; Cal. VI 5; La. 115.)
Habeas corpus, power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Habeas corpus, power to issue within their respective counties, to justices of peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done. (Pa. V 10.)
Habeas corpus, power to issue same at chambers as in open court. (S.C. V 25.)
Injunctions, power to issue and to hear and determine. (Mont. VIII 11; N.D. IV 103.)
Injunction, jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)
Injunctions, power to issue. (Nev. VI 6; Okla. VII 10; Tex. V 8; Utah VIII 7; Wyo. V 10.)
Injunction, power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Injunction, power to issue returnable to court of chancery or courts having jurisdiction of courts of chancery. (Ala. VI 144.)
Interlocutory writs or orders of injunction, power to issue same at chambers as in open court. (S.C. V 25.)
Mandamus, power to issue and to hear and determine. (Mont. VIII 11.)
Mandamus, jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)
Mandamus, power to issue. (Ariz. VI 6; Cal. VI 5; Ga. VI Sec. IV 5; Nev. VI 6; Okla. VII 10; Tex. V 8; Utah VIII 7; Wash. IV 6; Wyo. V 10.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Writs (*Cont'd*)

Mandamus, power to issue same at chambers as in open court. (S.C. V 25.)
Mandamus, power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Prohibition, power to issue and to hear and determine. (Mont. VIII 11.)
Prohibition, power to issue. (Ariz. VI 6; Cal. VI 5; Ga. VI Sec. IV 5; Okla. VII 10; Utah VIII 7; Wash. IV 6; Wyo. V 10.)
Prohibition, power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Prohibition, power to issue same at chambers as in open court. (S.C. V 25.)
Quo warranto, power to issue and to hear and determine. (Mont. VIII 11; N.D. IV 103.)
Quo warranto, jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)
Quo warranto, power to issue. (Ariz. VI 6; Cal. VI 5; Okla. VII 10; Utah VIII 7; Wash. IV 6; Wyo. V 10.)
Quo warranto, power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Quo warranto, power to issue same at chambers as in open court. (S.C. V 25.)
Review, power to issue. (Ariz. VI 6; Wash. IV 6; Wyo. V 10.)
Scire facias, power to issue. (Ga. VI Sec. IV 5.)
In vacation any judge of appropriate court may issue all necessary writs to carry into effect the general and specific powers of their courts. (Ark. VII 14.)
Power to issue all other that may be necessary for carrying their powers fully into effect. (Ga. VI Sec. IV 5.)
Power to issue and to hear and determine other original and remedial writs. (Mont. VIII 11; N.D. IV 103.)
Power to issue all other writs proper and necessary to complete exercise of their jurisdiction. (Nev. VI 6.)
Power to issue all other writs, remedial or otherwise, in exercise of their jurisdiction if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Power to issue all other writs, remedial or otherwise, necessary or proper to carry into effect their orders, judgments or decrees. (Okla. VII 10.)
Jurisdiction and power to issue other original and remedial writs with authority to hear and determine same. (S.D. V 14.)
Power to issue all writs necessary to exercise their jurisdiction. (Tex. V 8.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Writs (*Cont'd*)

Power to issue other writs necessary to carry into effect their orders, judgments and decrees and to give them general control over inferior courts and tribunals within their respective jurisdictions. (Utah VIII 7.)

Judgments

See also above, this subdivision, DECISIONS.

On appeal from final judgments from justices' courts to be final except in cases involving validity or constitutionality of a statute. (Utah VIII 9.)

Any final judgment may be docketed in intermediate court of appeal and shall operate as a judgment obtained in the intermediate court of appeal from time of such docketing. (N. J. VI Sec. V 2.)

Until otherwise provided by law, judgment to be signed after three days from rendition thereof and become executory 10 days from such signing. (La. 117.)

Judicial Districts

To be divided into convenient; county having a population of 20,000 or more by preceding federal census and taxable property according to next preceding assessment of property for state and county taxation of $3,500,000 or more, need not be included in any district but if its taxable property or population shall be reduced below these figures the legislature shall include such county in a judicial district embracing more than one county; no district shall contain less than three counties unless there be embraced therein a county having a population of 20,000 or more and taxable property of $3,500,000 or more in value. (Ala. VI 142, 147.)

Each organized county to constitute. (Ariz. VI 5.)

Formed of contiguous counties. Boundaries of districts specifically given in constitution until otherwise arranged by legislature. (Ark. VII 13, XVIII.)

Each organized county or city and county to constitute. (Cal. VI 6.)

State divided into judicial districts formed of compact territory; bounded by county lines. Boundaries specifically given in constitution until otherwise arranged by legislature. Four districts provided, but legislature may increase or diminish. Exercise of power to change districts not to effect removal of any judge. (Colo. VI 12, 13, 14.)

Boundaries specifically designated in constitution until otherwise arranged by legislature. Eight districts provided but legislature may create and establish new ones. (Fla. V 8, 10.)

Sixteen districts. Legislature to organize and proportion same in manner to equalize business and labor of judges in several

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judicial Districts (*Cont'd*)

districts as far as may be practicable. Legislature shall have power to reorganize, increase or diminish number provided that districts shall remain as now organized until changed by law. (Ga. Ord. (Code Sec. 6616).)

Five, until otherwise provided by law. Specifically designated in constitution until otherwise arranged by legislature. (Ida. V 11, 24.)

State, exclusive of Cook county (as to which, *See below, this subdivision*, SPECIAL ORGANIZATION FOR COOK COUNTY), and other counties with population of 100,000, shall be divided into districts, to be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed one for each 100,000 of population. New districts may be formed and boundaries changed by legislature only at session next preceding election for judges; provided that districts may be equalized or changed at first session after adoption of constitution. Creation, alteration or change of any district not to affect tenure of office of any judge. Whenever business of district court of any one or of two or more contiguous counties containing population exceeding 50,000, shall occupy nine months of year, legislature may make of such counties a separate district. Foregoing limitations to be observed in creation of additional districts. Legislature may divide state into districts of greater population and territory. (Ill. VI 13, 15.)

State to be divided into judicial districts from time to time. (Ind. VII 9.)

Legislature may prescribe number. County of Mills to be in sixth judicial district. Exercise of power to change number not to effect removal of any judge. (Iowa V 10, XI 1.)

Boundaries specifically given in constitution until otherwise arranged by legislature. To be formed of compact territory; bounded by county lines. New and unorganized counties to be attached for judicial purpose to most convenient judicial district. Five districts, but legislature may increase number by two-thirds vote of members of each house. Exercise of power to change number not to effect removal of any judge. (Kan. III 5, 14, 18, 19.)

Legislature to divide state, having due regard to territory, business and population, into sufficient number to carry constitutional provisions into effect. No county shall be divided. Legislature may, when deemed necessary, establish additional districts, whole number of districts, excluding those in counties having a population of 150,000, not to exceed one district for each 60,000 of population of entire state. Districts not to

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judicial Districts (*Cont'd*)

be changed except at first session after an enumeration, unless upon establishment of new district. Each county having a population of 150,000 or over shall constitute a district. Each county having a city of 20,000 inhabitants and a population including said city of 40,000 or more, may constitute a district. (Ky. 128, 132, 134, 137.)

Boundaries specifically designated in constitution until otherwise arranged by legislature. State to be divided into not less than 20 nor more than 32, parish of Orleans excepted. (La. 107, 108.)

Boundaries specifically given in constitution. To be eight districts. (Md. IV 19.)

Legislature may arrange various circuits into judicial districts and provide for creation, alteration or discontinuance of circuits and districts. Exercise of power to change districts not to effect removal of any judge. (Mich. VII 8.)

State to be divided by legislature into districts, composed of contiguous territory, bounded by county lines and containing population as nearly equal as practicable. Legislature may at any time change number of districts or boundaries, but no change shall vacate office of any judge. (Minn. VI 4, 12.)

State to be divided into convenient districts. (Miss. VI 152.)

Except as otherwise provided in constitution, divided into convenient districts of contiguous counties; such circuits may be changed, enlarged, diminished or abolished from time to time as public convenience may require. County and city of St. Louis to constitute eighth. (Mo. VI 24, IX 24.)

Boundaries designated in constitution until otherwise arranged by legislature. Legislature may divide state or any part into new districts, formed of compact territory, bounded by county lines. No change to effect any judge in office. (Mont. VIII 12, 13, 14.)

Six districts designated in constitution. Legislature by two-thirds vote of members elected to each house, may, after 1880 and not oftener than once in every four years, increase number of districts. To be formed of compact territory; bounded by county lines. Exercise of power to change number, not to effect removal of any judge. (Nebr. VI 16, 11.)

Boundaries designated in constitution may be altered, increased or diminished by legislature. Exercise of power to change not to effect removal of any judge. (Nev. VI 5.)

Eight districts designated; legislature may increase and rearrange in year 1920 after publication of United States census and at first session after each census thereafter. On creation of new counties, legislature shall have power to attach them to any contiguous districts. (N.M. VI 12, 16, 25.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Judicial Districts (*Cont'd*)

Existing districts continued until changed by legislature. May only be altered once after every enumeration under constitution, of inhabitants of state. Legislature may erect out of second district, as constituted, another district. (N.Y. VI 1.)

Nine; legislature may increase or diminish. (N.C. IV 10.)

Boundaries designated in constitution. Six provided, but legislature may, by two-thirds vote of each house once in four years, increase. To be formed of compact territory, bounded by county lines. Exercise of power to change not to effect removal of any judge. Legislature to make provisions for attaching unorganized counties or territories to organized counties for judicial purposes. (N.D. IV 104, 105, 106, 115.)

Boundaries specifically designated in constitution. Legislature to attach any new counties hereafter erected to such districts, or subdivisions thereof, as shall be most convenient. (Ohio XI 12, 13.)

Boundaries specifically given in constitution. To be 21 counties until otherwise provided by law. (Okla. VII 9, 22, 24.)

Counties of 40,000 inhabitants to constitute a separate district; counties containing a population less than is sufficient to constitute separate district shall be formed into convenient single districts or if necessary may be attached to contiguous districts, not more than four counties to be included in one district. (Pa. V 5, 4.)

Legislature may prescribe number. (S.C. V 13.)

Eight designated in constitution. May be altered when two-thirds of members of each house of legislature concur. Districts to be formed of compact territory and bounded by county lines. No change to work removal of any judge from office during term. Legislature to provide for attaching unorganized counties or territory to organized counties for judicial purposes. (S.D. V 15, 16, 17, 27.)

Districts fixed by ordinance forming part of constitution. State to be divided as provided by law, districts may be increased or diminished by law. (Tex. V 7, 14.)

Seven specifically designated in constitution. Legislature may increase or decrease number, but change not to effect removal of any judge. (Utah VIII 5, 6, 16.)

Twenty-four designated; legislature may increase or diminish and may arrange. No new district created containing, according to United States census or other census provided by law, less than 40,000 inhabitants, or when creation will reduce number in an existing district below 40,000 according to such census. (Va. VI 94, 95.)

Each organized county to constitute. (Wash. IV 5.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Judicial Districts (*Cont'd*)
Twenty-three designated; legislature may rearrange at any session preceding any general election of judges of district courts or it may at any session increase or diminish number. (W.Va. VIII 10, 13, 14.)
Five specifically designated. Legislature may alter limits or increase number, making them as compact and convenient as practicable and bounded by county lines. No increase or alteration to effect removal of a judge. (Wis. VII 5, 6.)
Three districts specifically designated. Legislature may increase number, but such increase or change in boundaries not to work removal of any judge during office, provided number of districts do not exceed four until taxable valuation of property exceed $100,000,000. Legislature to make provisions for attaching unorganized counties or territory to organized counties for judicial purposes. (Wyo. V 19, 20, 21, 24.)
Jurisdiction — In General
Legislature prohibited from creating other courts to exercise power vested in judges of general trial court. (Pa. V 26.)
Jurisdiction — Appellate
In General
As prescribed by law. (Colo. VI 11; Ga. VI Sec. IV 4; Ida. V 20; Ill. VI 12; Kan. III 6; Ky. 126; Minn. VI 5; Miss. VI 156; N.D. IV 103; Ohio IV 4; Okla. VII 10; S.D. V 14; Tenn. VI 8; Tex. V 8; W.Va. VIII 12.)
Described by Character of Cases
Cases at law or in equity; value and amount may be limited by law. (S.D. V 14.)
Civil and criminal cases where appeal, writ of error or supersedeas may be allowed to judgment or proceedings of inferior tribunal. (W.Va. VIII 12.)
Criminal cases; grade of offense may be limited by law (S.D. V 14.)
Petition from those denied right to register as voters. (S.C. II 5.)
In cases of allowances made for or against counties, cities or towns, appeal to general trial court of county at instance of the party aggrieved, or on intervention of any citizen or resident, or taxpayer of such county, city or town, on same terms on which appeals are granted to such courts in other cases. (Ark. VII 51.)
In cases of contest for any county, township or municipal office, appeal, at instance of party aggrieved, from inferior board, council or tribunal to general trial court on the same terms and conditions on which appeals may be granted to such court in other cases. (Ark. VII 52.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Jurisdiction — Appellate (*Cont'd*)
Described by Courts

Common pleas courts. (Ark. VII 14.)
Common pleas courts under such restrictions and regulations as may be prescribed by law. (Ark. VII 33.)
County commissioners' court, with such exceptions and under such regulations as may be prescribed by law. (Tex. V 8.)
County courts. (Ark. VII 14; S.D. V 20.)
County courts in all cases of probate; same regulations as provided by law on adoption of constitution and appeals from probate courts to district courts in territory of Oklahoma. (Okla. VII 16.)
County courts in all civil cases on application of either party, and in such other cases as may be provided by law. (Nebr. VI 17.)
County courts in all criminal cases on application of defendant. (Nebr. VI 17.)
County courts in criminal cases. (Fla. V 11.)
County courts in probate cases pertaining to estates of minors and such other matters as legislature may provide. (Fla. V 11.)
County courts in probate matters. (Tex. V 8.)
County courts in such cases as may be prescribed by law; no appeals shall lie to general trial court from any judgment given in county court upon appeal from justice's court. (Colo. VI 23.)
County courts under such restrictions and regulations as may be prescribed by law. (Ark. VII 33.)
Criminal courts in misdemeanors. (Fla. V 11.)
Inferior courts. (Mich. VII 10; Nev. VI 6; Utah VIII 7; Wis. VII 8.)
Inferior courts (besides justices' courts) in their respective districts as may be prescribed by law. (Ariz. VI 6.)
Inferior courts in their respective districts. (N.M. VI 13.)
Inferior courts in their respective districts as may be prescribed by law. (Cal. VI 5.)
Justices' and other inferior courts as prescribed by law. (Wyo. V 10.)
Justices' and other inferior courts in their respective counties as may be prescribed by law. (Wash. IV 6.)
Justices' and other inferior courts not of record. (Pa. V 10.)
Justices' courts. (Ark. VII 14; Kan. III 10; Nev. VI 6; N.M. VI 27.)
Justices' courts and other inferior courts in their respective districts as may be prescribed by law and as are consistent with constitution. (Mont. VIII 11.)
Justices' courts as may be prescribed by law. (Ariz. VI 6.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Jurisdiction — Appellate (*Cont'd*)
Described by Courts (*Cont'd*)
Justices' courts in civil and criminal cases on both questions of law and fact with such limitations as prescribed by law. (Utah VIII 9.)
Justices' courts in civil cases. (Ga. VI Sec. VII 2.)
Justices' courts in civil cases as prescribed by law. (Mo. VI 22.)
Justices' courts in civil matters regardless of amount in dispute and from all orders requiring a peace bond. (La. 111.)
Justices' courts in counties where no county court. (Fla. V 11.)
Justices' courts in criminal cases. (La. 126.)
Justices' courts; same as district courts under laws of territory of Arizona. (Ariz. VI 23.)
Justice courts, such manner and under such regulation as may be prescribed by law. (Mont. VIII 23.)
Justices' courts under such regulations as may be provided by law. (Ark. VII 42.)
Mayor's court. (Fla. V 11.)
Mayors' or recorders', fines or imprisonment by. (La. 111.)
Municipal courts. (Ark. VII 14.)
Ordinary acting as court of ordinary or by consent of parties without decision. (Ga. VI Sec. VI 1.)
Police courts in cases of persons sentenced to fine or imprisonment by mayors or recorders, upon giving security for fines and costs of court. (La. 111.)
Probate courts. (Ark. VII 14; Kan. III 10; N.M. VI 27.)
Probate courts under such regulations and restrictions as may be prescribed by law. (Ark. VII 35.)
Probate courts when only one of the two judges makes a decision, or where their opinions are opposed, or where the decision is on a matter involving a right to real estate or the appraised value or other value thereof, and on all matters affecting guardians or guardians' accounts jurisdiction shall be final in every such case. (Del. IV 11.)
In counties having population of 150,000 or over, general term not to have power to review any order, decision or proceeding of any branch of court in district made at separate term. (Ky. 137.)
Jurisdiction — Revisory
Supervisory control over common pleas courts. (Ark. VII 14.)
Superintending control over justices' courts and other inferior courts by mandamus, prohibition and certiorari. (W.Va. VIII 12.)
Supervisory control over county commissioners' court with exceptions and regulations prescribed by law. (Tex. V 8.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Jurisdiction — Revisory (*Cont'd*)

Supervisory control over county courts. (Ark. VII 14; Mo. VI 23.)

Supervisory control over inferior courts and tribunals. (Mich. VII 10; Mo. VI 23; N.M. VI 13; Utah VIII 7; Wis. VII 8.)

Supervisory control over justices' courts. (Ark. VII 14; Mo. VI 23.)

Supervisory control over municipal courts. (Ark. VII 14; Mo. VI 23.)

Supervisory control over other courts as prescribed by law. (W.Va. VIII 12.)

Supervisory control over probate courts. (Ark. VII 14; Mo. VI 23.)

Supervision and control over all proceedings before justices and other inferior tribunals (by mandamus, prohibition and certiorari). (W.Va. VIII 12.)

Jurisdiction — Original

No judgment or decree in any chancery or general trial court rendered in civil case to be reversed or annulled on ground of want of jurisdiction to render such judgment or decree, from error or mistake as to whether cause in which rendered was in equity or common-law jurisdiction, but if highest court finds error in proceedings other than as to jurisdiction, and it is necessary to remand case, it may remand it to any court which, in its opinion, can best determine controversy. (Miss. VI 147.)

As prescribed by law. (Fla. V 11; Iowa V 6; Kan. III 6; Ky. 126; Nebr. VI 9; Ohio IV 4; Tenn. VI 8; Tex. V 8; W.Va. VIII 12.)

As prescribed by law; concurrent with inferior tribunals and justices' courts. (Mo. VI 22.)

Assault and batteries; no original jurisdiction except where sum in controversy exceeds $50. (Ala. VI 143.)

Cases at law. (Colo. VI 11; Ida. V 20; Ill. VI 12; Iowa V 6; Mont. VIII 11; Nebr. VI 9; N.Y. VI 1; S.D. V 14; Wyo. V 10.)

Cases at law, where amount in controversy exceeds $100. (Minn. VI 5.)

Cases for which a remedy or jurisdiction is not provided by law or constitution. (Tex. V 8.)

Cases upon relation of any person on behalf of the people concerning the rights, duties and liabilities of telegraph or toll-road companies or corporations. (Colo. VI 11.)

Cases where circuit court at adoption of constitution had jurisdiction or which may be prescribed by law. (Md. IV 20.)

Cases where debt, damage, claim or demand exclusive of interest or value of property in controversy exceeds $50. (Mont. VIII 11.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Jurisdiction — Original (*Cont'd*)
Cases where demand, exclusive of interest or value of property in controversy, amounts to $300. (Cal. VI 5.)
Cases where demand, exclusive of interest or value of property in controversy, exceeds $300. (Nev. VI 6.)
Cases where jurisdiction not by law vested exclusively in other court. (Ariz. VI 6; Wash. IV 6.)
Cases where jurisdiction not vested in some other court. (Wyo. V 10.)
Cases where matter in controversy amounts to $500 exclusive of interest. (Tex. V 8.)
Cases where no specific amount is in contest except as provided in this constitution. (La. 109 (1914).)
Cases where state, parish, municipal or other corporation is a party defendant, regardless of the amount in dispute. (La. 109 (1914).)
Civil, arising in their respective districts in such manner prescribed by law. (Iowa V 6.)
Civil as prescribed by law. (Ind. VII 8.)
Civil, except as provided in constitution. (N.D. IV 103; Ga. VI Sec. IV 3.)
Civil, except where exclusive jurisdiction is by constitution or law conferred on other court. (Okla. VII 10.)
Civil, not excepted in constitution and not prohibited by law. (Mich. VII 10; Utah VIII 7; Wis. VII 8.)
Civil, not otherwise provided for in constitution; jurisdiction exclusive. (Mo. VI 22.)
Civil, not vested by constitution in some other court. (Miss. VI 156.)
Civil, other than libel, slander, assault and battery, where amount in controversy exceeds $50 not otherwise excepted in this constitution. (Ala. VI 143.)
Civil, the exclusive jurisdiction not vested in other court by constitution. (Ark. VII 11.)
Civil, where amount in controversy exceeds $50, exclusive of interest. (La. 109 (1914).)
Civil, where amount in controversy exceeds $100. (Minn. VI 5.)
Civil, where amount in controversy exclusive of interest exceeds $50, except cases confined exclusively, by constitution, to other courts. (W.Va. VIII 12.)
Criminal. (W.Va. VIII 12; Wyo. V 10.)
Criminal as may be prescribed by law. (Ind. VII 8.)
Criminal except such as may be vested in other courts authorized by constitution; jurisdiction limited and exclusive. (La. 109 (1914).)
Criminal except where exclusive jurisdiction is by the constitution or law conferred on other court. (Okla. VII 10.)
Criminal, not cognizable by inferior courts; jurisdiction exclusive. (Fla. V 11.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Jurisdiction — Original (*Cont'd*)
Criminal not excepted in constitution. (Ala. VI 143.)
Criminal not excepted in constitution and not prohibited by law. (Mich. VII 10; Utah VIII 7.)
Criminal, not otherwise provided for by law. (Mo. VI 22; Nev. VI 6.)
Criminal not vested by constitution in some other court. (Ark. VII 11; Miss. VI 156.)
Criminal where punishment exceeds three months in prison or a fine of more than $100. (Minn. VI 5.)
Criminal, where punishment is death or confinement in penitentiary. (Ga. VI Sec. IV 1.)
In counties having population of 150,000 or over criminal causes to be under exclusive jurisdiction of one certain branch of district court, all other litigation in district of which district court has jurisdiction to be distributed between other branches in accordance with rules of court made at general term, or prescribed by law. (Ky. 137.)
Decedents' estates. (Nev. VI 6.)
Divorce. (Tex. V 8.)
Divorce and for annulment of marriage. (Ariz. VI 6; Cal. VI 5; Mont. VIII 11; Wash. IV 6.)
Divorce; jurisdiction exclusive. (Ga. VI Sec. IV 1.)
Ejectment; except where amount in controversy exceeds $50. (Ala. VI 143.)
Ejectment, jurisdiction exclusive. (Fla. V 11.)
Elections contested. (Tex. V 8.)
Equity. (Cal. VI 5; Colo. VI 11; Ida. V 20; Ill. VI 12; Iowa V 6; Mont. VIII 11; Nebr. VI 9; Nev. VI 6; N.Y. VI 1; S.D. V 14; Wash. IV 6; W.Va. VIII 12; Wyo. V 10.)
Equity, as may be prescribed by law. (Ala. VI 148; Fla. V 12.)
Equity; cases where amount in controversy exceeds $100. (Minn. VI 5.)
Equity; jurisdiction exclusive. (Fla. V 11; Ga. VI Sec. IV 1.)
Equity; legislature may confer powers heretofore exercised by courts of equity in state. (Ga. VI Sec. IV 2.)
Equity; until legislature shall deem it expedient to establish courts of chancery. (Ark. VII 15.)
Equity, where title to or possession of real property or legality of any tax, assessment, toll or municipal fine, and in all other cases in which the demand or the value of property in controversy amounts to $200 exclusive of interest and costs. (Ariz. VI 6.
Equity, legislature may vest chancery powers in relation to foreclosure of mortgages and sale of mortgaged premises. (N.J. IV Sec. VII 10.)
Exclusive jurisdiction in cases at law not cognizable by inferior courts. (Fla. V 11.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Jurisdiction — Original (*Cont'd*).
Executors, administrators, guardians and minors under such regulations as may be prescribed by law. (Tex. V 8.)
Felony. (Ariz. VI 6; Cal. VI 5; Mont. VIII 11; Tex. V 8; Wash. IV 6.)
Forcible and unlawful detainer. (Mont. VIII 11.)
Forcible entry and detainer. (Ariz. VI 6; Cal. VI 5; Fla. V 11; Nev. VI 6; Wash. IV 6.)
For relief of surrogate courts legislature may confer probate jurisdiction in any county having population exceeding $40,000. (N.Y. VI 15.)
Have common law; concurrent with intermediate court of appeals except in cases of a criminal nature. (N.J. VI Sec. V 2.)
In all matters and causes not excepted in this constitution and such jurisdiction of special cases and proceedings as may be conferred by law. (N.M. VI 13.)
Insane persons; cases relating to persons and estates of. (Nev. VI 6.)
Insolvency. (Ariz. VI 6; Cal. VI 5; Mont. VIII 11; Wash. IV 6; Wyo. V 10.)
Law and equity jurisdiction shall constitute distinct and separate jurisdiction. (Iowa V 6.)
Libel; on original jurisdiction except where the sum in controversy exceeds $50. (Ala. VI 143.)
Matters affecting dependent, neglected, incorrigible or delinquent children, or children accused of crime under the age of 18 years; examinations in chambers of children concerning whom proceedings are brought in advance of any criminal prosecutions of such children and power, in discretion, to suspend criminal prosecutions for any offenses that may have been committed by such children. The powers of judges to control such children shall be prescribed by law. (Ariz. VI 6.)
Mining claims. (Nev. VI 6.)
Minors; cases relating to persons and estates of. (Nev. VI 6.)
Misdemeanors involving official misconduct. (Tex. V 8.)
Misdemeanors not otherwise provided for. (Ariz. VI 6; Cal. VI 5; Mont. VIII 11; Wash. IV 6.)
Nuisance; actions to prevent or abate. (Ariz. VI 6; Cal. VI 5; Wash. IV 6.)
Office or public position, title to. (La. 109 (1914).)
Penalties, forfeitures and escheats, recovery thereof on behalf of state. (Tex. V 8.)
Probate. (Ariz. VI 6; Cal. VI 5; Mont. VIII 11; Wash. IV 6; Wyo. V 10.)
Probate and succession matters and where a successor is a party defendant. (La. 109 (1914).)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Jurisdiction — Original (*Cont'd*)

Probate, legislature may confer on court, in county over 400,000, powers and jurisdiction of surrogates, with authority to try issues of fact by jury in probate cases. (N.Y. VI 15.)

Property levied upon, trial of right to, where value equals or exceeds $500. (Tex. V 8.)

Real property, possessor of. (Nev. VI 6.)

Real property, title to. (La. 109 (1914).)

Real property, title to and liens thereon. (Tex. V 8.)

Real property, title to; jurisdiction exclusive. (Ga. VI Sec. IV 1.)

Real property, title to or boundaries of; jurisdiction exclusive. (Fla. V 11.)

Real property; title to or possession of. (Mont. VIII 11.)

Real property, title to or possession of; cases at law. (Cal. VI 5.)

Real property, title to or possession of; tax, impost, assessment, toll or municipal fine, legality of; cases in which demand or value of property in controversy amounts to $100. (Wash. IV 7.)

Receivers to corporation or partnership, proceedings for the appointment of. (La. 109 (1914).)

Slander; no original jurisdiction except where sum in controversy exceeds $50. (Ala. VI 143.)

Slander or defamation of character, recovery of damages. (Tex. V 8.)

Special actions and proceedings not otherwise provided for. (Mont. VIII 11; Wyo. V 10.)

Special cases and proceedings not otherwise provided for. (Ariz. VI 6; Cal. VI 5; Wash. IV 6.)

Tax, assessment or toll, legality of; jurisdiction exclusive. (Fla. V 11.)

Tax imposed, assessment, toll or municipal fine, legality of. (Cal. VI 6; Nev. VI 6.)

Jurisdiction — Territorial Extent

Process to extend to all parts of state. (Ariz. VI 6; Cal. VI 5; Mont. VIII 11; Wash. IV 6.)

Name

Circuit. (Ala. VI 143; Ark. VII 11; Fla. V 8; Ind. VII 8; Ky. 125; Md. IV 19; Mich. VII 8; Miss. VI 152; Mo. VI 22; N.J. VI Sec. V 2; S.D. V 14; Tenn. VI 4; Va. VI 96; W.Va. VIII 10; Wis. VII 7.)

Common pleas. (Ohio IV 3.)

County. (Vt. II 28.)

District. (Colo. VI 11; Ida. V 20; Iowa V 5; Kan. III 6; La. 107; Minn. VI 4; Mont. VIII 11; Nebr. VI 9; Nev. VI 5; N.M. VI 13; N.D. IV 99; Okla. VII 9; Tex. V 7; Utah VIII 5; Wyo. V 10.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Name (*Cont'd*)
Superior. (Ariz. VI 5; Cal. VI 5; Conn. V 1; Ga. VI Sec. III 1; Wash. IV 5.)
Supreme. (N.Y. VI 1.)
Non-Judicial Duties
Except as provided in constitution, no duties or functions to be attached by law to court, except such as are judicial. (La. 96.)
Number, *See above, this subdivision*, JUDICIAL DISTRICTS.
Procedure
Judges to establish uniform rules for government of court. (Wash. IV 24.)
Judges of St. Louis county may sit in general term for purpose of making rules of court. (Mo. VI 27.)
Court may grant new trial on legal grounds. (Ga. VI Sec. IV 6.)
New trial allowed on both questions of law and fact where case appealed from county court. (Okla. VII 16.)
New trial allowed on appeals from final judgments and decisions of probate courts and justices of peace. (N.M. VI 27.)
New trial allowed on appeals from justices of peace in criminal cases. (N.C. IV 27.)
New trial allowed on appeals from justice of peace courts in criminal cases; under regulations prescribed by law. (Fla. V 22.)
New trial allowed on appeals in cases of allowances for or against counties, cities or towns. (Ark. VII 51.)
New trial allowed on appeals in cases of contest for county, township or municipal office. (Ark. VII 52.)
Legislature may provide for appeal from one jury to another. (Ga. VI Sec. IV 6.)
Writs of injunctions, attachments, prohibitions and habeas corpus may be issued and served on legal holidays and non-judicial days. (Ariz. VI 6.)
Injunctions, writs of prohibition and habeas corpus may be issued and served on legal holidays and non-judicial days. (Mont. VIII 11; Wash. IV 6.)
Process to extend to all parts of state. (Ariz. VI 6; Cal. VI 5; Mont. VIII 11; Wash. IV 6.)
Judges may receive pleas of guilty in less than capital cases. (La. 117.)
Practice of courts in continuous session may by general law be made different from that of courts held in terms. (Ky. 59.)
Quorum
One (there are three judges, and in one district four); but where trial held by less than whole number, the party against whom decision is made can have question reserved for consideration of all judges of court, and decisions of court *en banc* may be appealed from in usual way. The right of having question reserved shall not apply to trials of appeals from judgments of

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Quorum (*Cont'd*)

justice courts nor to criminal cases below the grade of felony, except where punishment is imprisonment in the penitentiary and this entire provision shall be subject to such regulations as may be prescribed by law. (Md. IV 21, 22.)

Reporter

Law reporter to be appointed by justices; term five years. (N.J. VII Sec. II 5.)

Seal

Form specifically set forth until otherwise provided by law. (Ariz. XXII 10; Wash. XXVII 9.)

Seal now used in general trial court of territory until otherwise provided by law. (Ida. XXI 17.)

The several courts may adopt seals for their respective courts until otherwise provided by law. (Utah XXIV 8.)

To have a seal. (Mich. VII 17; Utah VIII 17.)

To have a seal to be used in authentication of all process. (Md. IV 1.)

Sessions

In any county where there shall be more than one judge of court there may be as many sessions of court at the same time as there are judges and business of court so distributed by law, or in absence of legislation, by rule of court, as shall best promote convenient and expeditious transaction thereof; where two or more judges and court held by one or more, judgments, decrees, orders and proceedings shall be equally effectual as if all judges of said court had presided. (Ariz. VI 5.)

In any county or city and county other than county and city of San Francisco, in which there shall be more than one judge of the general trial court, judges may hold as many sessions of said court at same time as there are judges thereof; including any judge acting upon request or judges *pro tempore*, and shall apportion business among themselves equally as may be; same provisions for San Francisco except that presiding or chief justice divides business; judgments, orders and proceedings of any session held by one or more judges to be equally effectual as if all judges of courts presided. (Cal. VI 6, 7, 8.)

Legislature may regulate manner in which judges of districts having more than one judge shall dispose of business. (Ga. VI Sec. III 1.)

Judges to hold court in district for which elected in manner as provided by law; special provision for Cook county. (Ill. VI 15, 24.)

In counties having a city of 20,000 inhabitants and a population including city of 40,000, constituting a separate district, legislature shall direct manner of holding courts and conduct of business in them. (Ky. 138.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Sessions (*Cont'd*)
In counties having population of 150,000 or over, each judge to hold a separate court except when a general term may be held for purpose of making rules of court, or as may be required by law. (Ky. 137.)
Legislature may provide for manner of holding courts in judicial districts. (Mich. VII 8.)
When court is composed of one or more additional judges each shall sit separately and perform all duties imposed on circuit judges. (Mo. VI 28.)
Judges of St. Louis county (five in number) sit separately; sit together only to make rules. (Mo. VI 27.)
Any one of three judges in court of first district may preside on impaneling of grand juries and presentment and trial on indictments, under rules prescribed by law. (Nev. VI 5.)
Two or more district judges may sit in any district or county separately at the same time. (N.M. VI 15.)
Judges to preside successively; to hold court in the same district oftener than once in four years. (N.C. IV 11.)
As many courts or sessions of the general trial court as are necessary may be held at the same time in any county; judges of Hamilton county may hold separate courts or separate sittings of same court at same time. (Ohio IV 3, XI 12.)
In any county where there shall be more than one judge or a judge from any county is appointed as an extra judge to sit therein, there may be as many sessions of court at the same time as there are judges thereof and business of court so distributed or assigned by law or by rules of court as shall best promote expeditious transaction thereof; judgments and proceedings of any session held by one or more judges shall be equally effectual as if all judges of court presided at session. (Wash. IV 5.)
Business of first district may be apportioned between judges thereof, and such judges may hold courts in same county or in different counties within district at the same time or at different times as may be prescribed by law. (W.Va. VIII 10.)
Special Organization for Baltimore
Detailed provisions. (Md. IV 27 *et seq.*)
Special Organization for Cook County
Detailed provisions for. (Ill. VI 23 *et seq.*, X 9.)
Terms
At least two terms each year in each county. (Ala. VI 144; Miss. VI 158.)
Open at all times except on non-judicial days, for the determination of non-jury civil causes and for the transaction of business. (Ariz. VI 6.)
As provided by law. (Ark. VII 12; Kan. III 5.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Terms (*Cont'd*)

Open at all times, except on legal holidays and non-judicial days. (Cal. VI 5, 20; Mont. VIII 17.)

At least one term each year in each county at time provided by law, except in such counties as may be attached, for judicial purposes, to another county; special terms; judges to fix terms until fixed by legislature. (Colo. VI 17.)

Two terms each year in each county in places prescribed by law; special terms allowed. (Fla. V 8.)

At least two terms each year in each county, at time prescribed by law. (Ga. VI Sec. IV 8.)

Two terms each year in each county at times prescribed by law; special terms allowed under regulations prescribed by law. (Ida. V 11.)

At least two terms each year in each county at times prescribed by legislature; not to be changed except by legislature next preceding election for judges; additional terms may be provided for in any county. (Ill. VI 14.)

Three terms each year in each county. (Ky. 131.)

Open during 10 months of the year; in districts containing more than one parish, judges to sit alternately in each parish as business may require. (La. 117.)

At least two terms each year in each county to which jurors shall be summoned, and at least two others to which jurors shall not be summoned, at times fixed by judges, until otherwise prescribed by law. (Md. IV 19, 21.)

At least four terms each year in each organized county. (Mich. VII 8.)

At least two terms each year in each county, as may be prescribed by law. (Mo. VI 22.)

Districts where two or more counties are united until otherwise provided by law, the judge of such district shall fix the terms of court at least four terms each year in each county; subject to this rule. (Mont. VIII 17.)

Judges shall fix in their respective districts until otherwise provided by law. (Nebr. XVI 26.)

One term each year in each county. (N.J. VI Sec. V 2.)

At least two terms each year in each county until otherwise provided by law. (N.M. VI 13.)

Open at all times for transaction of business within their jurisdiction, except the trial of issues of fact requiring a jury; to sit in each county as prescribed by law. (N.C. IV 10, 22.)

At least two terms each year in each organized county; judges to fix terms. (N.D. IV 115, 118.)

At time provided by law at county seat; provided that if any county is divided into two or more districts legislature may designate places of holding courts in any such districts. (Nev. VI 7.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Terms (*Cont'd*)
Times of holding specifically designated. (Nev. XVII 15.)
At least two terms each year in each organized county at county seat; terms fixed by highest court until otherwise provided by legislature. (Okla. VII 9, 25.)
One term each year in each organized county; judges to fix until otherwise provided. (S.D. V 27, 33.)
Two terms each year in each county; legislature power, by general or special law, to authorize the holding of special terms of court or the holding of more than two terms in any county for the disposition of business. (Tex. V 7.)
At least four terms each year in each county at county seat. (Utah VIII 5.)
As prescribed by law; no court to be held for any city of second class until after city shall abolish its existing city court. (Va. VI 97.)
Open at all times except on non-judicial days. (Wash. IV 6.)
At least three terms each year in each county. (W.Va. VIII 11.)
Provision may be made for holding special terms. (W.Va. VIII 11; Wis. VII 11.)
At least two terms each year in each organized county. (Wis. VII 11.)
Prescribed by legislature; until legislature acts, judges to determine. (Wyo. V 24, 26.)
Sessions, *See above, this subdivision*, SESSIONS.
Transfer of Cases
See also below, this title, TRIALS — CHANGE OF VENUE.
Cases whereof chancery court has exclusive jurisdiction, to be transferred to that court. (Miss. VI 157.)
Legislature to provide for due certification of causes transferred to chancery court and for such reformation of pleadings therein as necessary, and adjudication of costs of transfer. (Miss. VI 163.)
If plaintiff brings suit on bond of fiduciary or public officer for failure to account for money or property received or loss by neglect or failure to collect, or suit involving inquiry into matters of mutual accounts, court may, on application of defendant, transfer case to chancery court if it appears that accounts to be investigated are mutual and complicated. (Miss. VI 161.)
Writs
For power of judges, See above, this subdivision, JUDGES.
Certiorari
Power to issue and to hear and determine. (Mich. VII 10; Mont. VIII 11; N.D. IV 103.)
Jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Writs (*Cont'd*)

Certiorari (*Cont'd*)

Power to issue. (Ariz. VI 6; Cal. VI 5; Nev. VI 6; Okla. VII 10; Tex. V 8; Utah VIII 7; Wash. IV 6; Wis. VII 8; Wyo. V 10.)

Power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)

Supervision and control of all proceedings before justices and other inferior tribunals. (W.Va. VIII 12.)

Power to issue to correct errors in inferior judicatories, to be issued on sanction of judge only. (Ga. VI Sec. IV 5.)

Habeas Corpus

Power to issue and to hear and determine. (Mich. VII 10; N.D. IV 103.)

Jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)

Original and general jurisdiction of all cases. (W.Va. VIII 12.)

Power to issue and to hear and determine on petition by or on behalf of, any person held in actual custody in their respective districts. May be issued and served on legal holidays and non-judicial days. (Mont. VIII 11.)

Power to issue. (Okla. VII 10; Tex. V 8; Utah VIII 7; Wis. VII 8.)

Power to issue on petition by or in behalf of, any person held in custody in their respective districts. (Nev. VI 6.)

Power to issue on petition by or on behalf of any person in actual custody in their respective counties. May be issued and served on legal holidays and non-judicial days. (Ariz. VI 6; Wash. IV 6.)

Power to issue on petition by or on behalf of any person in actual custody in their respective districts. (Wyo. V 10.)

Power to issue on petition by or on behalf of any person in actual custody in their respective counties. (Cal. VI 5.)

Power to issue to any part of state upon petition by or on behalf of any person held in actual custody and to make such writs returnable before himself or before court or before any general trial court of state or judge thereof; may be issued and served on legal holidays and non-judicial days. (Wash. IV 6.)

Power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)

Injunction

Power to issue and to hear and determine. May be issued and served on legal holidays and non-judicial days. (Mont. VIII 11.)

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COURTS (*Cont'd*)
GENERAL TRIAL COURTS (*Cont'd*)
Writs (*Cont'd*)
Injunction (*Cont'd*)
Power to issue and to hear and determine. (Mich. VII 10; N.D. IV 103.)
Jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)
Power to issue and serve on legal holidays and non-judicial days. (Ariz. VI 6; Cal. VI 5; Wash. IV 6.)
Power to issue. (Ala. VI 144; Cal. VI 6; Nev. VI 6; Okla. VII 10; Tex. V 8; Utah VIII 7; Wis. VII 8; Wyo. V 10.)
Power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Mandamus
Power to issue and to hear and determine. (Mich. VII 10; Mont. VIII 11.)
Jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)
To have supervision and control of all proceedings before justices and other inferior tribunals. To have original and general jurisdiction of all cases. (W.Va. VIII 12.)
Power to issue. (Ariz. VI 6; Cal. VI 5; Ga. VI Sec. IV 5; Nev. VI 6; Okla. VII 10; Tex. V 8; Utah VIII 7; Wash. IV 6; Wis. VII 8; Wyo. V 10.)
Power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Prohibition
Power to issue and to hear and determine. May be issued and served on legal holidays and non-judicial days. (Mont. (VIII 11.)
To have supervision and control of all proceedings before justices and other inferior tribunals. To have original and general jurisdiction of all cases. (W.Va. VIII 12.)
Power to issue. (Ariz. VI 6; Cal. VI 5; Ga. VI Sec. IV 5; Okla. VII 10; Utah VIII 7; Wash. IV 6; Wyo. V 10.)
Power to issue and serve on legal holidays and non-judicial days. (Ariz. VI 6; Cal. VI 5; Wash. IV 6.)
Power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)
Quo Warranto
Power to issue and to hear and determine. (Mich. VII 10; Mont. VIII 11; N.D. IV 103.)
Jurisdiction and power to issue with authority to hear and determine same. (S.D. V 14.)
Original and general jurisdiction of all cases. (W.Va. VIII 12.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS (*Cont'd*)

Writs (*Cont'd*)

Quo Warranto (*Cont'd*)

Power to issue. (Ariz. VI 6; Cal. VI 5; Nev. VI 6; Okla. VII 10; Utah VIII 7; Wash. IV 6; Wis. VII 8; Wyo. V 10.)

Power to issue if not directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)

Review

Power to issue. (Ariz. VI 6; Wash. IV 6; Wyo. V 10.)

Scire Facias

Power to issue. (Ga. VI Sec. IV 5.)

In General

Power to issue and to hear and determine necessary to carry into effect their general and specific powers. (Ark. VII 14.)

Power to issue all other that may be necessary for carrying their powers fully into effect. (Ga. VI Sec. IV 5.)

Power to issue writs necessary to enforce their jurisdiction. (La. 109 (1914).)

Power to issue such other writs as may be necessary to carry into effect their orders, judgments and decrees and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all other cases and matters as highest court shall by rule prescribe. (Mich. VII 10.)

Power to issue and to hear and determine other original and remedial writs. (Mont. VIII 11; N.D. IV 103.)

Power to issue all other writs proper and necessary to complete exercise of their jurisdiction. (Nev. VI 6.)

Power to issue all other writs, remedial or otherwise, in exercise of their jurisdiction, but none shall be directed to judges or courts of equal or superior jurisdiction. (N.M. VI 13.)

Power to issue all other writs, remedial or otherwise, necessary or proper to carry into effect their orders, judgments or decrees. (Okla. VII 10.)

Jurisdiction and power to issue other original and remedial writs with authority to hear and determine same. (S.D. V 14.)

Power to issue all writs necessary to exercise their jurisdiction. (Tex. V 8.)

Power to issue other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions. (Utah VIII 7.)

Power to issue all other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and jurisdictions. (Wis. VII 8.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS FOR CIVIL CASES ONLY

Establishment, *See above, this title*, ESTABLISHMENT.

Judges

In Delaware, See also above, this title, ASSOCIATE JUDGES OF STATE.

Governor power to commission a judge *ad litem* for purpose of constituting quorum, where quorum could not otherwise be had; commission in such case to be confined to the case and expire on termination of case; the judge to receive reasonable compensation fixed by legislature; member of Congress or person holding or exercising an office under the United States not to be disqualified from being appointed. (Del. IV 18.)

If two judges elected at same time they shall cast lots for priority of commission and certify results to governor who shall issue their commissions in accordance therewith. (Pa. V 17.)

In appeals from probate courts associate judge who sat in court below not to sit. (Del. IV 11.)

To be judges of general trial courts for criminal cases. (Pa. V 9.)

In any county where the establishment of an additional court may be authorized by law the number of judges may be increased from time to time and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court. (Pa. V 6.)

At least 25 years of age; attorney-at-law. (Fla. V 3.)

Judgments

Not to bind lands in another county until a *testatum fieri facias* issued; judgment to be entered in office of clerk of county wherein lands are situate. (Del. IV 29.)

Jurisdiction

Appellate

From common pleas courts. (S.C. V 15.)

From inferior courts except such inferior courts from which the legislature shall provide a direct appeal to highest court. (S.C. V 15.)

From registers; decision to be final. (Del. IV 33.)

General Provisions

Legislature power to repeal or alter any act of legislature, giving jurisdiction to court in any matter, or giving any power to said court. Legislature power to confer upon court jurisdiction and powers in addition to those mentioned in constitution. (Del. IV 20.)

All other than jurisdiction and powers vested in it by the laws of this state. (Del. IV 7.)

Original

All civil cases; to issue writs or orders of injunction, mandamus, habeas corpus, and such other writs as may be necessary to carry powers into effect, subject to appeal to highest court. (S.C. V 15.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS FOR CIVIL CASES ONLY (*Cont'd*)

Jurisdiction (*Cont'd*)

Original (*Cont'd*)

Real property, personal or mixed property; suits at common law. (Del. IV 7.)

Such chancery powers as now vested in existing general trial courts for civil cases only or as may hereafter be conferred by law. (Pa. V 20.)

Probate

To cease when separate orphans' courts are organized in any county. (Pa. V 22.)

Territorial Extent

Co-extensive with state. (Del. IV 19.)

Process to be issued in either county; into each county. (Del. IV 19.)

Name

Common pleas. (Pa. V 20; S.C. V 1.)

Superior. (Del. IV 1.)

Procedure

Amendments in pleading and procedure to be directed by court upon reasonable terms before judgment, so that error in them shall not hinder determination of cause on real merits. (Del. IV 24.)

Quorum

One (one-third of possible number), except when sitting to hear appeals from orphans' court or the registers' court, when two shall constitute a quorum; but one judge may open and adjourn any of said courts. (Del. IV 5.)

When court is sitting as a court *en banc* to hear a question of law four (there is a possibility of five); one may open and adjourn such court. (Del. IV 15.)

Sessions

One or more sessions of court may be held at same time in same county, or in different counties and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts; whenever court considers that question of law ought to be heard by court *en banc*, it may, upon application of either party, direct it to be so heard; court to consist of chief justice of state and four of state judges; judges may direct cause to be proceeded into verdict or judgment in general trial court for civil cases or otherwise proceeded in. (Del. IV 6, 15.)

Special Organization for Parish of Orleans

Detailed provisions for. (La. 132 *et seq.*)

Special Organization for Particular Counties

County of Philadelphia, five distinct and separate courts of equal and co-ordinate jurisdiction composed of three judges each, designated respectively as number one, two, three, four, five; the number may be by law increased from time to time and to

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS FOR CIVIL CASES ONLY (*Cont'd*)

Special Organization for Particular Counties (*Cont'd*)

be designated by successive numbers. The courts to distribute the business among them in such manner as prescribed by rules of court; each court to which any suit assigned to have exclusive jurisdiction thereof subject to change of venue as provided by law. (Pa. V 6.)

Each trial court in county of Philadelphia to have its separate docket except the judgment docket shall contain the judgment and liens of all the said courts as is or may be directed by law. (Pa. V 7.)

In the county of Allegheny one court composed of judges in commission in the several numbered courts of common pleas existing prior to the amendment; the jurisdiction to extend to all proceedings at law and equity instituted in the several numbered courts; to be subject to such changes as may be made by law and to change of venue as provided by law; number of judges may be increased from time to time; the present judge shall be selected as provided by law. (Pa. V 6.)

Time of Holding

Two in each county each year at times appointed by law. (S.C. V 16.)

GENERAL TRIAL COURTS FOR CRIMINAL CASES ONLY

Court of General Sessions (Delaware), *See above, this title,* GENERAL SESSIONS, COURT OF.

Court of Oyer and Terminer (Delaware), *See below, this title,* OYER AND TERMINER, COURT OF.

Establishment, *See above, this title,* ESTABLISHMENT.

Judges

Judges of general trial court for civil cases learned in the law to act. (Pa. V 9.)

Judges of highest court to be justices of oyer and terminer and general jail delivery in the several counties. (Pa. V 3.)

Jurisdiction

Appellate

From inferior courts in cases where said courts have exclusive original jurisdiction. (S.C. V 18.)

From justices' courts and other inferior courts and tribunals under such regulations as may be prescribed by law. (Tex. V 16.)

Original

Assault and battery; concurrent jurisdiction with inferior courts. (S.C. V 18.)

Criminal, except those in which exclusive jurisdiction given to inferior courts. (S.C. V 18.)

Larceny; concurrent jurisdiction with inferior courts. (S.C. V 18.)

Riot; concurrent with inferior courts. (S.C. V 18.)

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COURTS (*Cont'd*)

GENERAL TRIAL COURTS FOR CRIMINAL CASES ONLY (*Cont'd*)

Special Organization for Parish of Orleans

Detailed provisions for. (La. 132 *et seq.*)

Special Organization for Particular Counties

General trial courts in counties of Philadelphia and Allegheny shall from time to time detail one or more of their judges to hold court as may be prescribed by law. (Pa. V 8.)

Time and Place of Holding

Two each year at time and places prescribed by law in each county. (S.C. V 18.)

HIGHEST COURT

Advisory Opinions

Upon important questions of law and upon solemn occasions when required by governor, council, senate or house of representatives. (Me. VI 3.)

Upon any question of law; on request of governor or either branch of legislature. (R.I. Amend. XII 2.)

Upon governor's constitutional powers and duties, and upon solemn occasions. (S.D. V 13.)

Upon governor's constitutional powers and duties; on request of governor; opinion to be in writing. (Fla. IV 13.)

Upon important questions of law and upon solemn occasions; on request of governor and council or either branch of legislature. (Mass. Pt. II Ch. III 2; N.H. II 73.)

Upon important questions of law and upon solemn occasions; on request of governor or either branch of legislature; opinions published in connection with report of decisions of court. (Colo. VI 3.)

Appeals

See below, this subdivision, JURISDICTION—APPELLATE.

See below, this subdivision, PROCEDURE.

Attendants, *See below, this subdivision,* OFFICERS.

Bailiffs, *See below, this subdivision,* OFFICERS.

Character

Shall be court of record. (Ariz. VI 10; Cal. VI 12; Md. IV 1; Mich. VII 17; Mont. VIII 25; Nev. VI 8; Utah VIII 17; Wash. IV 11.)

Chief Justice

See also below, this subdivision, JUDGES.

See also below, this subdivision, PRESIDING OFFICER.

Chief justice of state, See above, this title, CHIEF JUSTICE OF STATE.

Compensation

As provided by law (fixed in constitution at $3,500, but act of 1892, chapter 388, increased to $4,500). (Md. IV 24.)

How Selected

As prescribed by law. (Okla. VII 6.)

Appointed from among members of court by governor with consent of senate, and until action by senate judge designated by governor to act. (Md. IV 14.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Chief Justice (*Cont'd*)
How Selected (*Cont'd*)
By court. (Ala. VI 152; Ill. VI 6; Mo. VI 2; Okla. VII 6; Tenn. VI 2; Tex. V 2.)
By court in manner and for term prescribed by rules of court. (S.D. V 9.)
Judges to designate by lot. (Fla. V 2.)
Elected as such. (Ark. VII 2; Cal. VI 3; Minn. VI 2, 3; Mont. VIII 8; Nebr. VI 5; N.Y. VI 7.)
Judge having shortest term to serve. (Iowa V 3; Pa. VI 2.)
Judge having shortest term to serve, not filling vacancy. (Ariz. VI 3; Ida. V 6; Nev. VI 3; N.D. IV 92; Utah VIII 2; Wyo. V 4.)
Judge having shortest term to serve not filling vacancy; if two judges have terms expiring on same day younger in years of two shall be chief justice during the next to the last year of his term of office, and the elder during the last year of his term of office. (Colo. VI 8.)
Judge having shortest term to serve, not filling vacancy. In case two judges have the same term, other judges shall determine. (Wash. IV 3.)
Until otherwise provided by law, judge having shortest term to serve; but no justice appointed or elected to fill vacancy shall be chief justice. (N.M. VI 4.)
Judge holding senior commission; if two have commissions bearing same date they shall determine by lot who shall be chief justice. (Nev. VI 3.)
Judge longest in commission, and if the term of service of two or more shall be the same, they shall determine by lot. (Ky. 118.)
Judge longest in continuous service as member of court; in case two or more have continually served during the same period, the senior in years. (Kan. III 2.)
Judge longest in continuous service as member of court; in case two or more such have continuously served during same period, the one whose commission first expires. (Wis. VII 4.)
Impeachment
See also IMPEACHMENT.
At trial of chief justice, governor shall preside. (Fla. III 39.)
Term of Office
As prescribed by judges (all judges limited to a six-year term). (S.D. V 9.)
Vacancies
Filled by appointment by governor until successor elected; successor elected at next general election for state offices for unexpired term. (Tex. V 2.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Chief Justice (*Cont'd*)
Vacancies (*Cont'd*)
Filled by governor with consent of senate if in session or by governor alone if senate not in session, until vacancy filled at next general election held not less than three months after vacancy occurs, when successor elected for full term; if appointment is from among associate judges, temporary appointment of associate judge to be made, but person appointed chief justice not deemed to vacate office of associate judge any longer than until expiration of appointment as chief justice. (N.Y. VI 8.)
Associate judge who has served longest time shall become. (La. 87.)

Clerks
See also above, this title, CLERKS.
Accounts
Legislature to provide a state examiner to examine. (Mont. VII 8.)
Bonds
To give bond as prescribed by law. (Okla. VII 7; Tex. V 3.)
To give such security as legislature may require. (Wis. VII 12.)
Compensation
Amount, court to fix until provided by law. (Ariz. VI 17.)
Amount, as provided by law. (Cal. VI 21; Ida. V 15; Ill. VI 32; Mich. VII 6; Mont. VIII 9; N.Y. VI 19; Okla. Sched. 17; S. C. V 7; S.D. V 12; Tex. V 3; Wash. IV 22; Wyo. V 9.)
Salaries, fees and emoluments to be prescribed by law. (N.C. IV 18.)
Fees and perquisites prohibited. (Ariz. VI 17.)
Fees and perquisites as provided by law and by rules of court. (Colo. VI 9.)
Fees and perquisites, legislature to regulate fees and compensation allowed in all civil matters. (La. 120.)
Fees and perquisites to be turned over to state treasury and credited to general fund. (Mich. VII 6.)
Payable out of state treasury. (N.Y. VI 19.)
How Selected
Appointed. (N.M. VI 9.)
Appointed by court. (Ark. VII 7; Cal. VI 21; Fla. V 7; Ida. V 15; La. 88; Mich. VII 6; Mo. VI 39; N.C. IV 15; S.C. V 7; Tex. V 3; Utah VIII 14; Wis. VII 12; Wyo. V 9.)
Appointed by court, until legislature provides for election. (Wash. IV. 22.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Clerks (*Cont'd*)
How Selected (*Cont'd*)
Appointed by judges. (Ala. VI 164; Ariz. VI 17; Colo. VI 9; Kan. III 4; N.D. IV 92; S.D. V 12; Tenn. VI 13.)
Elected. (Ill. VI 10; Wis. VII 12.)
Elected at each election for governor. (Ky. 120; Okla. VII 7.)
Elected by qualified voters of state. (Ind. VII 7; Md. IV 17; Mont. VIII 9.)
Elected by qualified voters of state as other state officers. (Miss. VI 168.)
Secretary of state to be. (N.J. VI Sec. II 4.)
Clerk of a general trial court may be appointed. (Wis. VII 12.)
Reporter shall act as. (Nebr. VI 8.)
Location of Office
Seat of government. (Fla. V 7; Nev. XV 12; N.Y. VI 19.)
Seat of government in suitable rooms provided by state. (Mo. VI 10.)
Number
One clerk for each division (three divisions). (Ill. VI 10.)
Powers and Duties
As prescribed by law. (Ind. VII 7; Kan. III 4; Mich. VII 6; S.C. V 7; Wyo. V 7.)
As prescribed by law and rules of court. (Mont. VIII 9.)
As prescribed by law and rules of the court not inconsistent with law. (N.D. IV 93; S.D. V 12.)
As prescribed by law or by rules, or order of court. (Cal. VI 9, 21.)
To be librarian of court library. (Fla. V 7.)
Prohibitions on Practice of Law
In any court of state. (Mont. VIII 31.)
Qualifications
Age, at least 25 years. (Okla. VII 7.)
Age, at least 21 years. (Ky. 121.)
Certificate from a judge of the court that he has been examined by him, or by the clerk of his court under his supervision, and that he is qualified for the office. (Ky. 121.)
Citizen of state. (Ky. 121.)
Elector of state. (Okla. VII 7.)
Resident in state two years next preceding election. (Ky. 121.)
Reappointment
Eligible for. (Md. IV 25.)
Ineligible for succeeding term. (Ky. 120.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Clerks (*Cont'd*)
Removal
To be removed on prosecution and final conviction for misdemeanor in office. (Ill. VI 10, 30.)
As provided by law. (Wis. VII 12.)
At pleasure of court. (Cal. VI 21; La. 88; Mich. VII 6; N.M. VI 9.)
At pleasure of judges. (Ariz. VI 17.)
By court for cause entered at length upon the minutes of court. (Ala. VI 166.)
By court for good cause. (Ark. VII 7.)
By court for good cause entered on minutes. (Tex. V 3.)
By court for incompetency, neglect of duties, misdemeanors in office or other cause prescribed by law. (Md. IV 17.)
By court upon information and good cause shown; the court to be judge of the facts, as well as the law; two-thirds of members present must concur in sentence. (Ky. 124.)
For mental or physical inability by judge riding the district. Clerk against whom proceedings are instituted should receive notice and copy of cause for removal at least 10 days before day appointed to act thereon. Clerk entitled to appeal to general trial court and thence to highest court as provided in other cases of appeals. (N.C. IV 32.)

Residence
In division for which elected. (Ill. VI 10, 32.)

Term of Office
At pleasure of highest court. (Cal. VI 21.)
Begins first Monday in January following election. (Ky. 120.)
During pleasure of court, unless legislature provides for election and definite term. (Wash. IV 22.)
During pleasure of judges. (Colo. VI 9; Ida. V 15; N.D. IV 93; S.D. V 12; Utah VIII 14; Wyo. V 9.)
Two years. (Kan. III 4; Wis. VII 12.)
Four years. (Ind. VII 7; Miss. VI 168; S.C. V 7; Tex. V 3.)
Four years and until successors are elected and qualified. (Ky. 120.)
Six years. (Ala. VI 164; Ark. VII 7; Tenn. VI 13.)
Six years and until successor qualified. (Ill. VI 10, 32; Md. IV 17.)
Six years and until successor appointed and qualified. (Mont. VIII 8.)
Eight years; to hold until successors are qualified. (N.C. IV 15, 25.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Clerks (*Cont'd*)
Vacancies
Filled by appointment of court until election of successor. (Wis. VII 12.)
Filled by appointment of court until election of successor, also if clerk be under charges, court to appoint. (Ky. 122.)
Filled by appointment of court until election of successor at next general election for members of legislature; person elected to hold office for six years. (Md. IV 17.)
Filled by appointment of governor until election of successor; successor elected for unexpired term. (Mont. VIII 34.)
Filled by election. If unexpired term does not exceed one year, to be filled by appointment of court or judges to which office appertains. (Ill. VI 10, 32.)
Commissioners' Courts of Appeal
Legislature may from time to time provide for special court of appeals to try cases on docket of supreme court of appeals in respect to which a majority of judges are so situated as to make it improper for them to sit and also to try any cases on said docket which can be disposed of with convenient dispatch. Said special court shall be composed of not less than three nor more than five judges of the general trial courts and city courts of record in cities of the first class or judges of either of said courts together with one or more judges of the highest court of appeals. (Va. VI 89.)
A commission, the members of which shall not last for more than two years or be created oftener than once in 10 years; five members appointed by governor with consent of senate, to dispose of business then on dockets of highest court as shown by arrangement between highest court and commission by transferring to such commission; to have power vested in highest court; majority to form a quorum. Judgment to be entered and enforced as judgment of highest court. At expiration of commission, all business undisposed of certified to highest court; clerk and reporter of highest court shall be clerk and reporter of commission. Vacancies filled by governor with advice and consent of senate if senate in session, if not in session, by governor. Constitution provides for first commission; subsequent commissions may be created on application of highest court by a vote of two-thirds members elected. (Ohio IV 22.)
Prohibited. (Cal. VI 25.)
For temporary assignment of judges
See below, this subdivision, JUDGES—AD LITEM APPOINTEES.
See below, this subdivision, JUDGES—NUMBER.

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Costs

Shall not exceed $10 until otherwise provided by law; plaintiff in error shall not be required to pay costs in said court when the usual pauper's oath is filed in court below. (Ga. VI Sec. XXI 1.)

Judges to make such reductions in fees and expenses of court as they may deem advisable; all rules and regulations to have the force of law until changed, modified or rescinded by judges or legislature. (Md. IV 18.)

Court Crier, *See below, this subdivision,* OFFICERS.

Decisions

See also below, this subdivision, JUDGMENTS.

Advisory Opinions, See above, this subdivision, ADVISORY OPINIONS.

Filing

At close of each term judges to file with secretary of state concise written statements of decisions made at that term. (Ore. VII 4.)

No judgment to take effect until decision filed with clerk. (Fla. XVI 6; Nev. XV 8.)

To be filed in office of clerk. (Mich. VII 7.)

Force of

To bind as precedents the intermediate court of appeals. (Ga. VI Sec. II 9; Mo. VI (Amend. 1884) 6.)

Power of people to adopt laws declared unconstitutional, *See above, this title,* DECISIONS.

Number Necessary to Render

Majority. (Ariz. VI 2; Ida. V 6; Mont. VIII 5; Nebr. VI 2; Nev. VI 2; N.M. VI 5; N.D. IV 89; Okla. VII 3; S.D. V 7; Utah VIII 2; Wash. IV 2.)

Majority, except as provided in constitution. (Ohio IV 2.)

Two (out of three). (Tex. V 2.)

Two (out of three); when court increased to five, a majority. (Ark. VII 2.)

No judgment or decree to be affirmed by disagreement of two judges (out of three) constituting a quorum. (Miss. VI 165.)

Three (out of five). (La. 88; Tenn. VI 2.)

Three (out of five) for court to determine that any law is or is not repugnant to constitution of state or United States. If not more than two can agree case to be reheard by full bench, and in no case where jurisdiction of court depends solely upon fact that constitutionality of law is involved shall court decide case upon its merits unless contention of appellant upon constitutional question is sustained. (Va. VI 88.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Decisions (*Cont'd*)
Number Necessary to Render (*Cont'd*)

No decision considered binding authority upon any inferior court except in particular case decided unless decision concurred in by three judges (out of four). (W.Va. VIII 4.)

Concurrence of three judges (out of four) necessary for reversal of judgment. (S.C. V 12.)

Whenever three judges (out of five) cannot concur in case, court to call on any judge of intermediate court of appeal or general trial court. (La. 89.)

Three (out of eight). (Md. IV 15.)

Four (out of seven). (Ill. VI 2; Kan. III 2.)

Four (only seven may sit). (N.Y. VI 7.)

Four (out of seven) when court is sitting as court *en banc*. If only four judges present, and they do not concur, all judges qualified to sit in case, shall hear argument. (Cal. VI 2.)

When judges equally divided, fact to be entered upon record; entry an affirmance of judgment of court below. (Ohio IV 2.)

If equally divided in opinion, no judgment shall be entered based on such division, but parties to cause may agree upon some person learned in law to act as special judge in cause, who shall sit therein with court and give decision in same manner and with same effect as one of the judges. If parties cannot agree upon a special judge court shall appoint one. (Mo. VI 11.)

No case involving the construction of constitution of state or United States to be decided except by court *en banc* (two or more divisions of court are possible). (Colo. VI 5.)

No law to be held unconstitutional without concurrence of at least all but one of judges, except in affirmance of judgment of intermediate court of appeals declaring law unconstitutional and void. (Ohio IV 2.)

Such cases only as may be heard by whole court shall be considered by all the justices (there are two divisions). (Kan. III 2.)

Publication of

Copyright of the state reports to belong to state. (Nebr. VI 8.)

No private person or corporation to secure copyright; if copyright secured to inure to benefit of state. (S.D. V 12.)

Provision to be made by legislature. (Mont. VIII 32.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Decisions (*Cont'd*)

Publication of (*Cont'd*)

Provision to be made by legislature; all opinions to be free for publication by any person. (Ariz. VI 16; Utah VIII 23.)

Provision to be made by legislature for publication at expense of state of cases designated by court; to make no provision for payment by legislature for publication of any case decided by court not so designated; all opinions free for publication to any person. (Mo. VI 43, 44.)

Provision to be made by legislature for speedy publication; all opinions free for publication to any person. (Nev. XV 8; Wash. IV 21.)

Provision to be made by legislature for speedy publication of all cases designated by court; all opinions free for publication to any person. (Cal. VI 16.)

Provision to be made by legislature for speedy publication. (Ind. VII 5; S.C. V 32.)

Provision to be made by legislature for publication, distribution and sale. (N.D. IV 93; S.D. V 12.)

Provision to be made for all cases designated by court. (Md. IV 16.)

Right of, to be given by contract to lowest bidder who need not be citizen of state; concurring and dissenting opinions to be published. (La. 92.)

To be free for publication by any person. (Fla. XVI 6 (1896).)

Reasons to Be Set Forth

All decisions, including all cases of mandamus, quo warranto and certiorari, shall be in writing with a concise statement of the facts and reasons; signed by those concurring; any judge dissenting to give reasons for such dissent in writing under signature. (Mich. VII 7.)

All decisions, whether *en banc* or by departments, in writing; grounds stated. (Cal. VI 2.)

Each point raised on record decided; reasons stated in writing. (Ind. VII 4.)

Every point fairly raised on record considered and decided; reasons concisely stated in writing, signed by judges concurring, filed in office of clerk and preserved with record; judge dissenting may give reasons in writing over signature. (N.D. IV 101.)

Every point fairly raised upon record of case, considered and decided; reasons concisely stated in writing; preserved with record. (W.Va. VIII 5.)

Every point made and distinctly stated in cause and fairly raised upon record considered and decided; reasons concisely stated in writing and preserved with record. (S.C. V 8.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Decisions (*Cont'd*)
Reasons to Be Set Forth (*Cont'd*)
In writing; grounds stated. (Ariz. IV 2; Cal. VI 24; Wash. IV 2.)
In writing; preserved with records. (Va. VI 90.)
Reasons concisely stated in writing, signed by judges concurring, filed in office of clerk of highest court and preserved with record of case; judge dissenting may give reasons in writing over signature. (Utah VIII 26.)
Reporting of
Court to prepare syllabus of points adjudicated concurred in by three judges (out of five): to be prefixed to published report of case. (W.Va. VIII 5.)
Court to prepare syllabus of points adjudicated, which shall be concurred in by a majority of judges thereof; syllabus to be prefixed to published reports of case. (N.D. IV 102; Utah VIII 26.)
No judge shall be allowed to. (Ind. VII 6.)
To be reported together with the reasons thereof. (Ohio IV 6.)
To be reported under direction of court. (La. 92.)
Time Given for
To dispose of every case at first or second term after writ of error is brought. (Ga. VI Sec. II 6.)
May withhold its judgment until next term after case is argued. (Ga. VI Sec. II 7.)
Six months after submission. (Okla. VII 5.)
Sixty days from last day of court at which the cases were heard. (S.C. V 17.)
No judge to receive salary until he makes and subscribes affidavit that no cause in his court remains pending undecided that has been submitted for decision for period of 90 days. (Cal. VI 24.)
Same; 30 days. (Ida. V 17.)
Divisions
Court may sit in departments and *en banc;* two departments, denominated one and two. Chief justice shall assign three judges to each department; assignment may be changed from time to time; judges may interchange with each other by agreement or as ordered by chief justice; each department power to determine cases; all questions arising subject to provisions hereafter contained in court *en banc;* chief justice shall apportion business in departments; and order any case pending to be heard in court *en banc;* order made before or after judgment in department; if made after judgment, may be in 30 days and concurred in by two associate judges; any four judges may after judgment order a case heard *en*

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Divisions (*Cont'd*)

banc; no judgment of department final until 30 days unless approved by chief justice in writing with concurrence of two associate judges; chief justice may convene court *en banc* at any time in division of chief justice not present; a presiding judge elected by associates in division. (Cal. VI 2.)

Court at its option to sit *en banc* in two or more departments; each to have full power and authority to determine causes, issue writs, and the exercise of powers of court, subject to control of court sitting *en banc* and such rules as the court may make; no decision of any division to become judgment of court unless concurred in by at least three of the seven judges. (Colo. VI 5.)

When court consists of six judges, may hear and determine cases and exercise any of its power when sitting either in a body or in two divisions under such regulations as may be prescribed by law, or by rules of court not inconsistent therewith; when any member of a division of the court shall dissent from a majority of the division on any question, such question shall be submitted to the court sitting in a body. (Fla. V 5 (1902).)

Court power to hear and determine cases sitting in a body or in two divisions of three judges, under regulations prescribed by legislature; court power to hear and determine cases in a body or in two divisions; a majority of a division constitutes a quorum for that division. (Ga. VI Sec. II 8.)

Court may sit in two divisions with full power in each division to determine cases assigned to be heard by such division; the presiding justice of each division to be selected from the senior in continuous term of service and, if two, the senior in years to preside; a quorum to consist of those judges and the concurrence of three justices necessary to a decision (there are seven judges). (Kan. III 2.)

The court if composed of seven judges to divide itself into sections if in judgment of court such arrangement necessary. (Ky. 118.)

Court to be divided into two divisions, one to consist of four judges (known as Division No. 1); other to consist of remaining three judges (to be known as Division No. 2); concurrent jurisdiction of all causes, except that No. 2 to have exclusive cognizance of all criminal cases; division of business made as court shall determine; majority of judges of division constitute a quorum; orders, judgments and decrees of either division to have force and effect as judgments of court; two judges appointed by governor, on passage of amendment, together with judge elected at general election in 1890 to constitute Division No. 2; remaining (older judges) shall constitute Division No. 1; when judges are equally divided in opinion, or when judge

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Divisions (*Cont'd*)

of division dissents from opinion, or when federal question involved; cause, on application of losing party, transferred to court *en banc;* a division may order cause transferred; each division to elect a presiding officer; court to assign to each division causes and matters to be heard by it; public notice given; laws relating to practice and rules to apply to each division so far as applicable; opinions of each division, in writing, filed in causes in which respectively made during term at which cause submitted; each division authorized to issue original writs and exercise other powers enumerated in judicial article of constitution; if highest court believes docket with reference to speedy disposition of business will justify dispensing with divisions, court to dispense therewith and hear all cases pending before it, but court has power to again divide itself into two divisions; whenever, in opinion of six judges entered of record, condition of docket with reference to speedy disposition of business so requires, and in such division four judges oldest in commission to constitute Division No. 1 and remaining Division No. 2. (Mo. VI 1, 2, 3, 4a.)

Until otherwise provided by law, districts from which the judges of the highest court elected shall be constituted as follows (shows the specific designation of three districts which can by law be increased to not more than five). (S.D. V 11.)

Legislature may provide for separate departments. (Wash. IV 2.)

Establishment, *See above, this title,* ESTABLISHMENT.

Judges

See also below, this title, JUDGES.

In Delaware, See above, this title, ASSOCIATE JUDGES OF STATE.

Ad Litem Appointees

Absence of judge a reason for. (N.M. VI 6; R.I. X 5.)

Absence of quorum a reason for. (Del. IV 18; Va. VI 88.)

Declination of two or more judges to act a reason for. (Ky. 117.)

Disqualification of one or more judges to sit in case, a reason for. (Ariz. VI 3; Ark. VII 9; Cal. VI 4; Fla. V 6; Ga. VI Sec. II 2; Ida. V 6; Miss. VI 165; Mont. VIII 5; Tenn. VI 11; Tex. V 11; Utah VIII 2.)

Disqualification of majority of judges a reason for. (Minn. VI 3.)

For causes of disqualification, See below, this subdivision, JUDGES—WHEN PROHIBITED FROM SITTING.

If majority of judges disqualified, case may be tried by special court of pleas created by legislature from time to time to try such cases. (Va. VI 69.)

Equal difference of opinion among judges a reason for. (Mo. VI 11.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Ad Litem Appointees (*Cont'd*)
Failure of three members of court to concur in any case, a reason for. (La. 89.)
Illness of judge a reason for. (Fla. V 6.)
Impeachment of judge (before conviction) a reason for. (R.I. X 5.)
Inability of judge to sit in case a reason for. (Cal. VI 4; Ida. V 6.)
Incapacity of judge a reason for. (N.M. VI 6.)
Interest of judge in case a reason for. (N.M. VI 6; N.D. IV 100; Tex. V 11.)
Unwillingness of a majority of judges to sit in case a reason for. (Va. VI 88.)
Certification of temporary vacancy by court to governor. (Tex. V 11.)
Certification of temporary vacancy by chief justice to governor. (Ky. 117.)
Appointment as prescribed by law. (Fla. VI 6; Va. VI 88.)
Assignment by governor from judges of general trial court. (Ga. VI Sec. II 2.)
Assignment by court of judge of intermediate court of appeals or general trial court to act. (La. 89.)
Assignment by remaining judges of court from judges of intermediate court of appeals. (Cal. VI 4.)
Assignment by remaining judges of court from judges of general trial court. (Ariz. VI 3; Ida. V 6; Mont. VIII 5; N.M. VI 6; N.D. IV 100; Vt. VIII 2.)
Appointment by governor. (Ark. VII 9; Del. IV 18; R.I. X 5; Tenn. VI 2; Tex. V 11.)
Appointment by governor from judges of general trial court; if governor interested in case, assignment made by lieutenant-governor. (Ky. 117; Minn. VI 3.)
Appointment by parties; if parties cannot agree, court appoints. (Mo. VI 11.)
Appointment by parties; if parties cannot agree governor to appoint. (Miss. VI 165.)
Qualifications same as for member of court. (Ky. 117.)
Appointee to be learned in law. (Ark. VII 9.)
Appointee to have law knowledge. (Miss. VI 165; Tenn. VI 11.)
Member of Congress or person holding or exercising an office under the United States not to be disqualified. (Del. IV 18.)
Appointment to cease on termination of cause for appointment. (Cal. VI 4; Del. IV 18; Miss. VI 165; R.I. X 5.)
Compensation as prescribed by law; to be reasonable. (Del. IV 18.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Ad Litem Appointees (*Cont'd*)
Compensation same as for member of court, being proportioned to length of service. (Ky. 117.)
Powers, decisions and opinions to have same effect as regular judge of court. (Mont. VIII 5.)
Advisory Opinions, See above, this subdivision, ADVISORY OPINIONS.
Chief Justice, See above, this subdivision, CHIEF JUSTICE.
Commissions
If two judges elected at same time, shall cast lots for priority of commission and certify results to governor, who shall issue their commissions in accordance therewith. (Pa. V 17.)
To be commissioned by governor. (Ky. 113.)
Compensation
As provided by law. (Ark. VII 10; Colo. VI 18; Iowa V 9; Kan. III 13; Minn. VI 6; Miss. VI 166; Mo. VI 33; Nev. VI 15; N.D. IV 99; Ohio IV 14; S.C. V 9; Tenn. VI 7; Wash. IV 13; Wyo. V 17.)
As provided by law, consistent with constitution. (S.D. V 30.)
As provided by law; to be adequate. (Ky. 112.)
As provided by law; to be honorable and established by standing laws. (N.H. I 35.)
As provided by law; to be permanent and honorable; to be increased if not sufficient. (Mass. Pt. II Ch. II Sec. I 13.)
Salaries, fees and emoluments to be prescribed by law. (N.C. IV 18.)
Compensation shall be received. (Me. VI 2; R.I. X 6.)
Not less than $1,500 per annum. (Kan. III 13; Wis. VII 10.)
$2,000 per annum in constitution; now $4,500. (Ore. XIII 1.)
$2,200 per annum in constitution; now $5,500. (W.Va. VIII 16.)
$3,000 per annum. (Fla. V 9.)
$3,000 per annum until otherwise provided by law. (Ida. V 17; Utah VIII 20.)
Not to exceed $3,000 per annum; until increased by legislature on two-thirds vote of each house. (Ga. VI Sec. XIII 1, 2.)
$3,500 per annum, until otherwise provided by law. (Md. IV 24.)
$4,000 per annum until otherwise provided by law. (Ill. VI 7; Mont. VIII 29; Okla. Sched. 16; Tex. V 2.)
Not less than $4,000 per annum. (Wash. VI 14; Va. VI 103.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Compensation (*Cont'd*)
$4,500 per annum. (Nebr. VI 13.)
$5,000 per annum, until otherwise provided by law. (Ariz. VI 10.)
Not less than $5,000 per annum. (La. 86.)
Not less than $6,000 per annum. (N.M. VI 11.)
$7,000 per annum for first term subsequent to formation of state government. (Nev. XVII 5.)
$8,000 per annum. (Cal. VI 17.)
Such of six judges as shall attend court shall receive a per diem compensation as prescribed by law. (N.J. VI 2, 3.)
Mileage same as members of legislature. (W.Va. VIII 16.)
Mileage prohibited. (Mont. VIII 30.)
Fees and perquisites prohibited. (Ark. VII 10; Colo. VI 18; Kan. III 13; La. 96; Me. VI 2; Minn. VI 6; Mont. VIII 30; Nebr. VI 14; Nev. XVII 5; Ohio IV 14; Ore. XIII 1; S.C. V 9; S.D. V 30; Tenn. VI 7; Wis. VII 10.)
Prohibited from receiving any pension or salary from other governments. (N.H. II 92.)
To be increased if not sufficient. (Mass. Pt. II Ch. II Sec. I 13.)
Increase prohibited after election and during term for which elected. (Utah VIII 12; Wash. IV 13.)
Increase prohibited during continuance in office. (Miss. VI 166.)
Increase prohibited during term for which elected. (Ida. V 27; Ill. VI 7; Iowa V 9; Kan. III 13; Mo. VI 33; Mont. VIII 29; N.D. IV 99; Ohio IV 14; S.C. V 9; Tenn. VI 7; Wyo. V 17.)
Increase or decrease prohibited during term for which elected, unless vacation occurs; successor of former incumbent to receive only salary provided by law at time of election or appointment. (Nev. VI 15.)
Decrease prohibited during continuance in office. (Ind. VII 13; Me. VI 2; Minn. VI 6; Miss. VI 166; R. I. X 6.)
Decrease prohibited during term for which elected. (Ga. VI Sec. XIII 2; Ida. V 37; Ill. VII 6; Iowa V 9; Mo. VI 33; Mont. VIII 29; N.D. IV 99; Ohio IV 14; S.C. V 9; Tenn. VI 7; Utah VIII 12; Wyo. V 17.)
Decrease prohibited during term for which elected after adjournment of next legislature. (Ark. VII 10.)
Payable by state. (Ariz. VI 10; Cal. VI 17; Mont. VIII 29; Va. VI 103; Wash. IV 13.)
Payable out of state treasury. (Ga. VI Sec. XIII 1; Nev. XVII 5; Utah VIII 20.)
Provisions to be made for setting apart from each year's revenue sufficient to pay. (Nev. VI 15.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Compensation (*Cont'd*)
Payable as provided by law. (Wis. VII 10.)
Payable at stated times. (Ark. VII 10; Ind. VII 13; Kan. III 13; Ky. 112; Me. VI 2; Minn. VI 6; Mo. VI 33; Ohio IV 14; Tenn. VI 7; Utah VIII 20; Wash. IV 13.)
Payable monthly. (Cal. VI 17.)
Payable monthly, on their own warrant. (La. 86.)
Payable quarterly. (Ill. VII 6; Mont. VIII 29; Nev. XVII 5; N.M. VII 2; Wash. IV 14.)
No judge to receive salary until he makes and subscribes an affidavit that no cause in his court remains pending undecided that has been submitted for a decision for period of 90 days. (Cal. VI 24.)
Same; 30 days. (Ida. V 17.)
Conservator of Peace
To be throughout state. (Ark. VII 4; Iowa V 7; Ky. 113; Mo. VI 5; N.M. VI 21; Okla. VIII 3; Utah VIII 21.)
Dual Office Holding
Not to hold seat in legislature. (Ark. V 7; Conn. X 4; Mass. Amend. 8; Vt. II 50.)
Not to hold seat in legislature; election and taking seat in legislature vacates office. (Me. IX 2; N.J. IV Sec. V 3.)
Not to hold any office while he remains in office. (Mont. VIII 35.)
Not to hold any office of trust while he remains in office. (Va. VI 105.)
Not to hold any office of trust or profit under state. (Ida. V 7.)
Not to hold any office of trust or profit under state or United States. (Ark. VII 10; Tenn. VI 7.)
Not to hold any office under another government or under state except as constitution permits. (N.H. II 92.)
Not to hold office in state during term for which elected. (Iowa V 3.)
Not to hold any office of trust or profit under state or United States during term for which elected. (Kan. III 13.)
Not to hold any office of trust or profit under state or United States or any other power. (S.C. V 9.)
Not to hold any office of trust or profit under state or United States; all such elections or appointments by people, legislature or otherwise, void. (Minn. VI 11; Ohio IV 14.)
Not to hold any office under state or United States except justice of peace. (Me. VI 6.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Judges (*Cont'd*)

Dual Office Holding (*Cont'd*)

Not to hold any office or public trust other than judicial; all such elections by people or legislature void. (N.Y. VI 10.)

Not to hold any office or public employment other than judicial office during term for which elected. (Colo. VI 18; Wash. IV 15; Wyo. V 27.)

Not to hold any office or public employment other than judicial office during term for which elected; all such elections or appointments by people, legislature or otherwise, void. (Nev. VI 11; N.D. IV 119; S.D. V 35; Wis. VII 10.)

Not to hold any office other than judicial office; shall not be nominated or elected thereto. (N.M. VI 19.)

Not to hold the office of governor, lieutenant-governor, treasurer of state, surveyor-general or sheriff. (Vt. II 50.)

Not to hold office of attorney-general, county attorney, treasurer of state, adjutant-general, judge of probate, register of probate, register of deeds, sheriff, deputy-sheriff or clerk of any of the courts. (Me. IX 2.)

Not to hold office of governor, lieutenant-governor or councillor. (Mass. Amend. VIII.)

Acceptance of seat in Congress vacates office. (Me. IX 2.)

Election, Time of

As to whether elected or appointed, See below, this subdivision, JUDGES — HOW SELECTED.

As prescribed by law, legislature may provide for election on different day from that on which an election is held for any other purpose, and for this purpose may extend or abridge term of office of any judge then holding office, but not in any case more than six months. (Colo. VI 15; S.D. V 26.)

As prescribed by legislature. (Colo. VI 8.)

At biennial spring election. (Mich. VI 2.)

At election of judges in city of Baltimore (applies to judge elected from city of Baltimore only.) (Md. IV 14.)

At general state biennial election next preceding the beginning of their respective terms. (Okla. VI 6.)

At general state election. (Ariz. VI 3, VI 5; Cal. VI 3; Iowa V 2; Nev. VI 3; N.D. IV 90; Tex. V 2; Wash. IV 3.)

At general state election next preceding the termination of their respective terms. (Nebr. XVI 13.)

At time and place prescribed for election of members of legislature. (Fla. V 2.)

At time and place prescribed for election of members of lower house of Congress. (N.M. VI 4.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Election, Time of (*Cont'd*)
At time and place prescribed for election of members of lower house of Congress until otherwise prescribed by legislature; change not to affect right of judge to hold for full term. (Ala. VI 152, 155, 156.)
At time and place prescribed for election of state officers. (Cal. VI 3.)
At time of governor and state house officers. (Ga. VI Sec. II 8.)
At time state officers are elected. (Wyo. V 4.)
At time state officers are elected unless otherwise prescribed by legislature. (Wash. IV 3.)
Exemption from Military Duty
May be exempted. (Me. VII 5.)
Free Passes, etc.
During term of office not to accept, hold or use free pass nor purchase, receive or accept transportation over railroad within state for himself or family on terms not open to general public, and on conviction to forfeit office, be guilty of felony and punished by fine of not more than $1,000 or by imprisonment in penitentiary not less than one nor more than five years. (N.M. XX 14.)
How Selected
Appointed by governor; state to be divided into three judicial districts; one judge from each district; removal of judge to state capital not to prevent his reappointment from district of original appointment. (Miss. VI 145.)
Appointed by governor with advice and consent of senate. (N.J. VII Sec. II 1.)
On nomination of governor appointed by legislature in manner prescribed by law. (Conn. Amend. XXVI.)
Appointed by governor with advice and consent of council; nomination to be made seven days prior to appointment. (Me. V Pt. I 8.)
Appointed by governor and council; nomination made at least three days prior to appointment and no appointment to take place unless majority of council agree. Governor and council to have negative on each other both in nomination and appointment, every nomination and appointment to be signed by governor and council and every negative to be signed by "the governor or council who made the same". (N.H. II 45, 46.)
Appointed by governor with advice and consent of council; nomination made by governor at least seven days prior to appointment. (Mass. Pt. II Ch. II Sec. I 9.)
Elected by joint vote of both houses of legislature. (R.I. X 4; S.C. V 2; Va. VI 91.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
How Selected (*Cont'd*)

Elected by joint vote of both houses of legislature, presiding officer of senate to have casting vote and no other. (Vt. II 42.)

Elected by qualified voters of state at large. (Ala. VI 152; Ark. VI 6; Cal. VI 3; Colo. VI 6; Fla. V 2; Ga. VI Sec. II 8; Ida. III 6; Iowa V 3; Kan. III 2; Mich. VI 2; Minn. VI 3; Mo. VI 5; Mont. VIII 6; Nebr. VI 4; Nev. VI 3; N.M. VI 4; N.Y. VI 7; N.D. IV 90; Ohio IV 2; Ore. VII 1; Pa. V 2; Tenn. VI 3; Tex. V 2; Utah VIII 2; Wash. IV 3; W.Va. VIII 2; Wyo. V 4.)

Elected by voters of state at large by those qualified to vote for members of legislature. (N.C. IV 21.)

Elected by voters of state at large on non-partisan ballot. (Ariz. VI 3.)

Elected by voters of state at large; state divided into districts to correspond to the number of members of court; candidate for each district receiving the highest number of votes cast in state to be judge elected in district; judge nominated by political parties or by petition in their respective districts. (Okla. VII 3.)

Elected by voters of state at large; state divided into districts to correspond to the number of members of court; districts formed of contiguous territory, as nearly equal in population as may be without dividing a county. One judge elected from each district. (Ind. VII 3.)

Elected by voters of state at large; state divided into districts to correspond to the number of members of court; districts to be formed of contiguous territory as nearly equal in population as may be; redistricted every 10 years or when change in number of judges; but not to effect removal of judge till end of term for which elected. (Ky. 116.)

State divided into districts corresponding to number of members of court; boundaries may be changed only at session of legislature next preceding election and change to be upon rule of equality of population as nearly as county boundaries will allow, and districts to be composed of contiguous counties in as nearly compact form as circumstances will permit; alteration of districts not to affect tenure of office of any judge; election every nine years in the respective districts wherein the term of judges expire. (Ill. VI 5, 6.)

Elected by voters of state at large chosen from districts. (S.D. V 5.)

Elected as now provided by law. (Wis. VII 4.)

Elected by voters of district; four districts specifically delineated in constitution. (La. 87.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
How Selected (*Cont'd*)
When two judges are to be chosen for term of same length each voter to vote for only one; when three, each voter to vote for only two; candidate highest in vote, elected. (Pa. V 16.)
Court composed of chief judges of first seven of judicial circuits (elected in circuits) and judge from Baltimore elected by voters of that city. (Md. IV 14.)
State judges are elected as such and not as judges of any particular court. Legislature may designate state judges to compose court for purpose of issuing writs of prohibition, certiorari and mandamus to inferior courts of record and to designate judges to exercise this power in vacation. Upon writs of error to inferior courts of record, court to be composed of chancellor and such of other five state judges as did not sit in court below. Upon appeal from court of chancery, court to be composed of chief justice of state and four state judges. If chief justice of state has acted in court below, court to be composed of four state judges. (Del. IV 12 (3), 13, 24, 16.)
Time of election, *See above, this subdivision*, JUDGES — ELECTION, TIME OF.
Impeachment, *See* IMPEACHMENT.
Location of Office
State to provide furnished offices for judges and use of state library at seat of government. (Mo. VI 10.)
Non-Judicial Duties
Not to be imposed. (N.D. IV 96; Pa. V 21; Wyo. V 16.)
Not to be imposed except as provided in constitution; no duties or functions shall ever be attached by law to judge. (La. 96.)
Number
Chief justice and associate justices. (Mich. VII 2.)
Chief justice and associate justices now in office; whenever majority of judges certify to governor that court is unable, from accumulation of cases, to hear and dispose of them with reasonable speed, governor to designate not more than four judges of general trial court to serve as associate judges of highest court, until undisposed cases reduced to 200. (N.Y. VI 7.)
Chief justice and such associate judges as prescribed by law. (Ala. VI 151.)
Three. (Ida. V 6; Miss. VI 145; Nev. VI 2; Tex. V 2; Wyo. V 4.)
Three; may be increased to five, provided a majority of members elected to each house shall concur. (Nev. VI 3.)
Three; may be increased to five after publication of federal census in 1920. (N.M. VI 10.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Number (*Cont'd*)

Three; may be increased to five. (S.D. V 4; Utah VIII 2.)

Three; when population of state amounts to 1,000,000, may be increased to five. (Ark. VII 2, 3.)

Three; may be increased or diminished, provided court constituted of at least three. (Ariz. VI 2.)

Three; may be increased, provided court constituted of at least three and not more than five. (Mont. VIII 5.)

Three; but legislature may increase or diminish not more than one a session; diminution of number not to effect removal of judge. (Iowa V 2, 10.)

Three; may be increased to four by a two-thirds vote of legislature. (Minn. VI 2.)

Not less than three nor more than five. (Ind. VII 2.)

Five; until otherwise prescribed by law. (Okla. VII 2.)

Five. (La. 86; N.C. IV 6; N.D. IV 89; S.C. V 2; Tenn. VI 2; Va. VI 88; W.Va. "Judicial Amend.")

Five; legislature may increase. (Wash. IV 2.)

Not less than five nor more than seven. (Ky. 113.)

Six. (Ga. VI Sec. II 1.)

Six; number may be changed by law, provided court constituted of at least three and not more than six; but exercise of power not to effect removal of judge. (Fla. V 2.)

Chancellor, judges of intermediate appellate court and six other judges. (N.J. VI Sec. II 1.)

Seven. (Cal. VI 2; Colo. VI 5; Ill. VI 2; Kan. III 2; Mo. VI 1; Nebr. VI 2; Pa. V 2; Wis. VII 4.)

Seven, until otherwise prescribed by law; to change number, two-thirds of members elected to each house shall concur; exercise of power not to effect removal of judge. (Ohio IV 2, 15.)

Eight. (Md. IV 14.)

When any two of judges desire it, on any cause or question, chief justice, or in his absence, presiding associate justice to call to the assistance of highest court all judges of the general trial court. A majority of all judges of highest court and general trial court shall constitute a quorum. If number is equal, one of the judges of the general trial court to be determined by lot, shall retire. General trial court judge who tried the case shall not sit. A decision of the majority of the judges sitting shall be final. Chief justice of highest court shall preside, or in his absence, presiding associate justice of highest court; a similar court may be called whenever, upon hearing of any cause or question, it shall appear to judges, or any three (majority) of them, that there is involved a question of constitutional law or of conflict between the constitution and laws of state

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Number (*Cont'd*)
and of United States, or between duties and obligations of citizens under same, upon determination of which entire court is not agreed. (S.C. V 12.)
Ad litem appointees, *See above, this subdivision*, JUDGES — AD LITEM APPOINTEES.
Oath of Office
Take and subscribe; specifically prescribed; examination allowed. (Ore. VII 7.)
Take and subscribe; substance set forth; oath filed with secretary of state. (Ariz. VI 21; Wash. IV 28.)
Filed with secretary of state. (Colo. XII 9; Okla. XV 2.)
Power at Chambers
As provided by legislature. (S.C. V 25.)
Power of Appointment
As provided in constitution. (Wyo. V 16.)
Attorney-general. (Tenn. VI 5.)
None except as provided in constitution. (N.D. IV 96; Pa. V 21.)
None except to appoint court clerk, reporter and court crier. (Mich. VI 6.)
Power to Act in Other Districts
Legislature to provide for interchange of judges. (La. 112.)
When judge of other district is disqualified. (Wyo. V 6.)
When required. (Va. VI 97.)
When required by governor. (Cal. VI 8; Fla. V 8; Utah VIII 5; Wash. IV 5.)
When required by law. (Colo. VI 12; Tex. V 11; Wis. VII 2.)
Power to Hold Preliminary Examinations
In cases of felony. (Utah VIII 21.)
Prohibited from Sitting
For substitutes, *See above, this subdivision*, JUDGES —AD LITEM APPOINTEES.
Has presided in case in inferior court. (Utah VIII 13.)
Review of decision made by him or by court of which he was at time a sitting member. (N.Y. VI 3.)
When writ of error brought, no justice who gave judicial opinion in cause in favor of or against any error complained of, to sit or have voice in hearing, but reasons for such opinion shall be assigned to court in writing. (N.J. VI Sec. II 5.)
When an appeal from an order or decree shall be heard chancellor shall inform court in writing of reasons, but shall not sit as a member or have a vote in hearing or final sentence. (N.J. VI Sec. II 5.)
Interested in case. (N.D. IV 100; Tex. V 11; Wyo. V 6.)
Has been counsel in case. (Tex. V 11; Utah VIII 13.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Judges (*Cont'd*)

Prohibited from Sitting (*Cont'd*)

Connected with party in case by affinity or consanguinity within degree of first cousin. (Utah VIII 13.)

Connection with either party by affinity or consanguinity within degree prescribed by law. (Tex. V 11.)

Connected with party in case by affinity or consanguinity within degrees prescribed by law; has been counsel in case; has presided in case in inferior court; interested in case; judge disqualified may preside by consent of parties. (Tenn. VI 11.)

No more than seven shall sit in any case. (N.Y. VI 7.)

Prohibitions on Practice of Law

Shall not act as attorney or counsellor. (Colo. VI 18; Nebr. VI 14; N.D. IV 117; S.D. V 31; Wyo. V 25.)

Shall not practice law in any court of record in state or act as referee. (N.Y. VI 20.)

Shall not practice law in any court of state. (Kan. III 13; Mont. VIII 31.)

Shall not practice law in any court, state or federal, in state. (Ark. VII 25.)

Shall not practice law within or without state. (Va. VI 105.)

Qualifications — Age

At least 35 years of age. (Ky. 114; La. 86; Tenn. VI 3.)

At least 30 years of age. (Ariz. VI 13; Ark. VII 6; Colo. VI 10; Ga. VI Sec. XIV 1; Ill. VI 3; Miss. VI 150; Mo. VI 6; Mont. VIII 10; Nebr. VI 7; N.D. IV 94; Okla. VII 3; S.D. V 10; Tex. V 2; Utah VIII 3; Wyo. V 8.)

At least 25 years of age. (Fla. V 3; Wis. VII 10.)

At least 26 years of age. (S.C. V 10.)

Qualifications — Attorney

Admitted to practice. (Fla. V 3; Utah VIII 3.)

Admitted to practice for at least five years in state next preceding appointment. (Miss. VI 150.)

Admitted to practice for at least seven years. (Ga. VI Sec. XIV 1.)

Admitted to practice in courts of record of state. (Wash. IV 17.)

Admitted to practice in highest court of state. (Cal. VI 23; Mont. VIII 10.)

Admitted to practice in highest court of state for at least five years. (Ariz. VI 13.)

Admitted to practice in state. (N.Y. VI 20.)

Admitted to practice in state for at least five years next preceding election. (S.C. V 10.)

Admitted to practice in state for at least 10 years preceding election or appointment. (La. 86.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Qualifications — Attorney (*Cont'd*)
Admitted to practice in this or some other state or held judicial station in United States for at least five years. (Va. VI 91.)
Admitted to practice or whose services as judge of a court having general *nisi prius*, or similar jurisdiction, when added to time he may have practiced, amounts to at least eight years. (Ky. 114.)
Admitted to practice, or whose services as judge of any court of record, when added to time he may have practiced, amounts to at least five years. (Okla. VII 3.)
Admitted to practice, or whose services as judge of any court, when added to time he may have practiced, amounts to at least nine years. (Wyo. V 8.)
Admitted to practice or whose services as judge, when added to time he may have practiced, amounts to at least eight years. (Ark. VII 6.)
Admitted to practice or whose services as judge, when added to time he may have practiced, amounts to at least seven years. (Tex. V 2.)
Qualifications — Character
Moral character good. (Ark. VII 8.)
Qualifications — Citizenship
Citizen of state. (Ky. 114; Mo. VI 6; S.C. V 10.)
Citizen of state for five years next preceding appointment. (Miss. VI 150.)
Citizen of state for three years. (Ga. VI Sec. XIV 1.)
Citizen of United States. (Ark. VII 6; Colo. VI 10; Ill. VI 3; La. 86; Mont. VIII 10; Nebr. VI 7; N.D. IV 94; Okla. VII 3; S.C. V 10; S.D. V 10; Tex. V 2; Wis. VII 10; Wyo. V 8.)
Citizen of United States for five years next preceding election or appointment. (Mo. VI 6.)
Qualifications — Education
Must be learned in law. (Ariz. VI 13; Ark. VII 6; Colo. VI 10; La. 86; Minn. VI 6; Mo. VI 6; N.D. IV 94; S.D. V 10; Utah VIII 3; Wyo. V 8.)
Qualifications — Elector
A qualified elector within district for which chosen. (Wis. VII 10.)
Qualifications — Residence
Resided in district from which elected. (Ind. VII 3.)
Not more than two (out of possible five) shall reside in any one of the grand divisions of the state. (Tenn. VI 1.)
Resided in state two years. (Ark. VII 6.)
Resided in state two years next preceding election. (Colo. VI 10; Mont. VIII 10.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Qualifications — Residence (*Cont'd*)
Resided in state two years and district from which elected one year. (Okla. VII 3.)
Resided in state two years next preceding election, and a resident of district for which elected at time of election; but for purpose of re-election shall not be deemed to have lost his residence in district by reason of removal to seat of government in discharge of official duties. (S.D. V 10.)
Resided in state three years. (N.M. VI 8; Wyo. V 8.)
Resided in state three years next preceding election. (N.D. IV 94; Nebr. VI 7.)
Resided in state five years before election. (Tenn. VI 3.)
Resided in state five years next preceding election. (Ariz. VI 13; Utah VIII 3.)
Resided in state five years next preceding election; resident of district for which elected. (Ill. VI 3.)
Resided in state five years and in district in which elected two years next preceding election. (Ky. 114.)
Residence during term, *See below, this title,* JUDGES — RESIDENCE.
Re-Election
Not eligible. (Pa. V 2.)
Removal
By governor upon address of legislature. (Ark. XV 3; Conn. Amend. XII; Ky. 112; Tex. XV 8; Wis. VII 13.)
By legislature. (Cal. VI 10; Kan. III 15; Nev. VII 3; N.Y. VI 11; N.C. IV 31.)
By legislature; not to be entertained in any other than annual session for the election of public officers. (R.I. X 4.)
Vote required, a majority of each house. (R.I. X 4.)
Vote required, two-thirds of each house. (Cal. VI 10; Conn. Amend. XII; Kan. III 15; Ky. 112; Nev. VII 3; N.C. IV 31; Tex. XV 8.)
Vote required, two-thirds of members elected to each house. (Ark. XV 3; N.Y. VI 11; Wis. VII 13.)
For cause. (Ark. XV 13; Kan. III 15; N.Y. VI 11.)
For mental or physical disability. (N.C. IV 31.)
For reasonable cause. (Ky. 112.)
For reasonable cause which may not be sufficient ground for impeachment. (Nev. VII 3.)
For wilful neglect of duty, incompetency, habitual drunkenness, oppression in office or other reasonable cause which shall not be sufficient ground for impeachment. (Tex. XV 8.)
For acceptance of free passes, etc., *See above, this subdivision,* JUDGES — FREE PASSES, ETC.

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Removal (*Cont'd*)
Causes entered on journal. (Cal. VI 10; Kan. III 15; Nev. VII 3; N.Y. VI 11.)
Causes entered at length on journal. (Ky. 112; Tex. XV 8.)
Yeas and nays entered on journal. (Cal. VI 10; Tex. XV 8.)
Incumbent to be served with copy of complaint. (Cal. VI 10; Nev. VII 3; N.Y. VI 11; Wis. VII 13.)
Incumbent to be served with copy of complaint at least 20 days before day on which either house acts. (N.C. IV 31.)
Incumbent to have notice. (Tex. XV 8.)
Incumbent to have opportunity to be heard. (Cal. VI 10; N.Y. VI 11; Tex. XV 8; Wis. VI 13.)
Incumbent to have opportunity to be heard in person or by counsel. (Nev. VII 3.)
Residence
Within the state. (Pa. V 19.)
At seat of government. (Nebr. VI 4.)
To reside in district for which elected. (Ill. VI 5, 32; S.D. V 37.)
As qualification for office, *See above, this subdivision*, JUDGES — QUALIFICATIONS.
Retirement on Account of Age
On reaching 70. (Conn. Amend. XII.)
On reaching 75 full pay provided, if served continually not less than 15 years prior to retirement. (La. 86.)
Term of Office
As prescribed by law. (Mich. VII 2.)
Best policy that judges hold office as long as they behave themselves well; subject to constitutional limitations on account of age. (N.H. I 35.)
Two years. (Vt. II 44.)
Four years. (Kan. III 5.)
Six years. (Fla. V 2; Ida. V 6; Ind. VII 2; Kan. III 2; Mont. VIII 7; Nev. VI 3; N.M. VI 12; Okla. VII 3; Wash. IV 3.)
Six years and until successors elected and qualified. (Ariz. VI 3; Ga. VI Sec. II 4; Iowa V 3; Minn. VI 3; Nebr. VI 4, 5, 20; N.D. IV 91; S.D. V 8, 36; Tex. V 2.)
Six years and until successors are elected or appointed and qualified. (Ala. VI 155.)
Six years; may be extended; extension not to affect term for which judge elected. (Utah VIII 2, 24.)
As prescribed by law; not less than six years. (Ohio IV 2, XVII 2.)
Eight years. (Ark. VII 6; N.M. IV 6; Tenn. VI 3; Wyo. IV 4.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Term of Office (*Cont'd*)
Eight years and until successors are qualified. (Ky. 112; N.C. IV 21, 25.)
Nine years. (Miss. VI 140.)
Nine years; to hold until successors qualified. (Ill. VI 6, 32.)
Ten years. (Colo. VI 6; Mo. VI 2; Wis. VII 4.)
Ten years and until successors are elected and qualified. (S.C. V 2.)
Twelve years. (Cal. VI 3; La. 86; W.Va. VIII 2.)
Fourteen years. (N.Y. VI 7.)
Twenty-one years. (Pa. V 2.)
To hold until office declared vacant by resolution of legislature. (R.I. X 4.)
Ends at different times for different members of court; specific provisions producing this result. (Ala. VI 156; Ariz. VI 3; Ark. VI 6; Cal. VI 3; Colo. VI 8; Fla. V 2; Ga. VI Sec. II 4, 8; Ida. V 6; Iowa V 3; Kan. III 2; [illegible] 2; Miss. VI 149; Mo. VI 8; Mont. VIII 8; [illegible] N.M. VI 4, 10; N.D. IV 92; Mich. [illegible] VI 91; Wash. IV 3; Nebr. VI 5; Nev. VI 3; [illegible] 2.) Okla. VII 6; Utah VIII 2; (Ark. XV 3; Con[illegible]ction. (Iowa Va. VII 13.) N.Y. VI 7.) Wis. VII 4; Wyo. V 4.)
Begins at time prescribed by law. (Ohio [illegible] V. VII 3; [illegible] election. Begins 1st day of January next succeeding ele[illegible] than [illegible] next [illegible] V 11; [illegible] (R.I. [illegible] 4.) [illegible]ion. Begins on first Monday in January next succeeding (Ariz. VI 3; Nev. VI 3; Wyo. IV 4.)
Begins first Tuesday after first Monday in January succeeding election. (Fla. V 2.)
Begins second Monday in January next succeeding elect[illegible] (Okla. VII 4; Wash. IV 3.)
Vacancies
Filled by appointment of governor until successor shall be elected and qualified. (Tex. V 23; Wis. VII 9; Wyo. V 4.)
Filled by appointment of governor until successor shall be elected and qualified in such manner as prescribed by law. (Ida. IV 6; Utah VII 10.)
Filled by appointment of governor until successor shall be elected and qualified; successor elected for unexpired term. (Mont. VIII 34; Nev. XVII 22.)
Filled by appointment by governor until next general elec[illegible]tion. (S.D. V 5, 37.)
Filled by appointment of governor until successor shall be elected and qualified; successor elected at first general election, for unexpired term. (Ariz. VI 3; Cal. VI 3; Ga. VI Sec. II 4, 8; N.M. V 6; N.D. IV 98; Okla. VII 3; Wash. IV 3.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Judges (*Cont'd*)

Vacancies (*Cont'd*)

To be filled by appointment of governor, unless otherwise provided for; appointees to hold places until next regular election for members of legislature. If person elected or appointed to any office neglect to qualify, such office shall be appointed to, held and filled, as provided in case of vacancies. (N.C. IV 6, 25.)

Filled by appointment of governor until successor shall be elected and qualified; successor elected at first general election occurring more than 30 days after vacancy, for unexpired term. (Nebr. VI 21.)

Filled by appointment of governor until successor shall be elected and qualified; successor elected at first general election occurring more than six months after vacancy, for unexpired term. (Ala. VI 158.)

Filled by appointment of governor until successor shall be elected and qualified; successor elected at first general election, for unexpired term; if unexpired term does not exceed one year, governor to appoint. (Colo. VI 29.)

Filled by election but if unexpired term does not exceed one year by appointment by governor. (Ill. VI 2, 32.)

To be filled by special election, unless occurring nine months before next general election, when filled by appointment by governor. (Ark. VII 2, 50.)

Filled by appointment of governor until successor shall be elected and qualified; successor elected for unexpired term; if unexpired term less than two years vacancy filled by appointment by governor. (W.Va. VIII 7.)

Filled by appointment of governor with advice and consent of senate; if vacancy occurs in recess of senate, governor appoints successor to hold office until session of senate. (Miss. VI 151.)

Filled by appointment of governor by and with consent of senate or without senate if senate not in session; until the last day of December next after election of successor; successor elected at first general election occurring more than three months after vacancy, for full term. Powers and jurisdiction of court shall not be suspended for want of appointment or election to fill vacancy when the number of judges is sufficient to constitute quorum. (N.Y. VI 8.)

If caused by death, resignation, removal from state or from office, refusal or inability to serve, to be filled by joint vote of members of both houses in grand committee; successor shall hold office until next annual election (by legislature); in cases of impeachment, temporary absence or inability, governor may appoint during vacancy. (R.I. X 5.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Vacancies (*Cont'd*)
Member of legislature ineligible. (Nev. VII 3.)
Ad litem appointees. *See above, this subdivision,* JUDGES — AD LITEM APPOINTEES.
Writs
For power of court, See below, this subdivision, WRITS.
Certiorari, power to issue same as when in open court. (S.C. V 25.)
Certiorari, power to issue and to hear and determine in proceedings for contempt in general trial court. (Mont. VIII 3.)
Certiorari, power to issue. (La. 94; N.M. VI 3; Tex. V 3.)
Certiorari, power to issue in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Error, power to issue. (N.M. VI 3.)
Error, power to issue in aid of appellate and supervisory jurisdiction. (Ark. VII 4.)
Habeas corpus, power to issue. (Colo. VI 3; N.M. VI 3; S.D. V 3.)
Habeas corpus, power to issue to any part of state upon petition by or on behalf of any person in actual custody; writs returnable to himself, highest court, intermediate court of appeals or any judge thereof, or general trial court or any judge thereof. (Cal. VI 4.)
Habeas corpus, power to issue to any part of state upon petition by, or on behalf of any person held in actual custody, and to make such writs returnable before himself, or before court, or before any general trial court of state or judge thereof. (Ariz. VI 4; Fla. V 5; Mont. VIII 3; Okla. VII 2; Utah VIII 4; Wash. IV 4.)
Habeas corpus, power to issue upon petition by or on behalf of a person held in actual custody and to make such writs returnable before himself or before highest court or before any of general trial courts or any judge thereof. (N.M. VI 3.)
Habeas corpus, power to issue as may be prescribed by law. (Tex. V 3.)
Habeas corpus, power to issue at instance of any person in actual custody in any case where court has appellate jurisdiction. (La. 93.)
Habeas corpus, power to issue in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Habeas corpus, power to issue same at chambers as in open court. (S.C. V 25.)
Injunction, power to issue. (N.M. VI 3.)
Injunction, power to issue orders same at chambers as in open court. (S.C. V 25.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Judges (*Cont'd*)
Writs (*Cont'd*)
Interlocutory writs; power to issue same at chambers as in open court. (S.C. V 25.)
Mandamus, power to issue. (La. 94; Tex. V 3.)
Mandamus, power to issue in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Mandamus; power to issue same at chambers as in open court. (S.C. V 25.)
Procedendo, power to issue. (Tex. V 3.)
Prohibition; power to issue. (La. 94; N.M. VI 3.)
Prohibition; power to issue same at chambers as in open court. (S.C. V 25.)
Prohibition, power to issue in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Quo warranto, power to issue. (La. 94.)
Quo warranto, power to issue in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Quo warranto; power to issue same at chambers as in open court. (S.C. V 25.)
Remedial writs, power to issue in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Remedial writs, power to issue. (La. 94.)
Supersedeas, power to issue in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Power to issue and to hear and determine such writs as may be authorized by law. (Mont. VIII 3.)
Power to issue all other writs necessary and proper for the complete exercise of its jurisdiction. (N.M. VI 3.)
Power to issue such writs as may be necessary to enforce its jurisdiction. (Tex. V 3.)
Judgments
See also above, this subdivision, DECISIONS.
To be final and conclusive. (Md. IV 15.)
Not to take effect until opinion in case filed with clerk. (Fla. XVI 6; Nev. XV 8.)
If highest court of opinion after consideration of all matters submitted, that judgment of court appealed from was such as should have been rendered in such case, judgment to be affirmed notwithstanding any error committed during trial; or if in any respect judgment appealed from should be changed and court can determine what judgment should have been entered, to direct judgment to be entered with like effect as decree now entered in equity cases, but court not authorized to find defendant in criminal case guilty of offense for which greater penalty is provided than that of which convicted in lower court. (Ore. VII 3.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Judicial Districts

See also above, this subdivision, JUDGES — HOW SELECTED.

Number

Five, for purpose of selecting judges. (Okla. VII 22.)

State to be divided into five supreme court judicial districts until legislature shall change number of members of court at which time legislature shall redistrict state to conform to number of justices of highest court (object of districting state to nominate one judge from each district; judges are elected by voters of state at large). (Okla. VII 3.)

Those for hearing cases may be altered, increased or diminished in number by law. (Ill. VI 4.)

Those for hearing cases three in constitution; may be increased by law to any number not exceeding five. (S.D. V 6.)

Those for the purpose of electing judges, seven. (Ill. VI 5.)

Specific Designations of

Specifically pointed out. (Okla. VII 23.)

Present grand divisions to be preserved; denominated, southern, central and northern until otherwise prescribed by law. (Ill. VI 4.)

Those for the purpose of electing supreme court judges specifically pointed out until otherwise prescribed by law. (Ill. VI 5.)

Juries

Trial of issues, proper for cognizance of a jury, to be by jury, unless parties otherwise agree. (Vt. II 30.)

Power to summon when required to determine issue of fact, in manner prescribed by law. (Mont. VIII 3.)

In exercise of original and exclusive jurisdiction over cases between counties, trial shall be to the court without a jury. (Ariz. VI 4.)

Trial by jury not allowed. (Minn. VI 2; Wis. VII 3.)

Not to be allowed; in proper cases questions of fact may be sent to general trial court. (N.D. IV 87; S.D. V 3.)

Jurisdiction — Appellate

In General

Appellate jurisdiction. (Miss. VI 146.)

As prescribed by law. (Ind. VII 4; Kan. III 3; Md. IV 14; Nebr. VI 2; Pa. V 3; R.I. XII 1; Va. VI 88.)

Appellate jurisdiction only, except as now prescribed by law. (Tenn. VI 2.)

Appellate jurisdiction only, except as provided in constitution. (Ala. VI 140; Ark. VII 4; Colo. VI 2; La. 85; Mo. VI 2; Mont. VIII 2; N.D. IV 86; S.D. V 2; Tex. V 3; Wis. VII 3.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Jurisdiction — Appellate (*Cont'd*)

In General (*Cont'd*)

Appellate jurisdiction only, under such rules and restrictions as prescribed by law. (Ky. 110.)

Appellate jurisdiction only, except cases relating to revenue, mandamus and habeas corpus. (Ill. VI 2.)

Appellate jurisdiction only, except original jurisdiction given to issue writs of habeas corpus, mandamus, quo warranto, procedendo and other original and remedial writs, and to hear and determine same, and to have a general superintending control over all inferior courts. (Mich. VII 4.)

Appellate jurisdiction only, except original jurisdiction given to issue writs of habeas corpus, quo warranto, mandamus, certiorari and prohibition. (Utah VIII 4.)

Legislature may change the jurisdiction of the court in matters not merely pecuniary. (Va. VI 88.)

Such other jurisdiction as may be conferred by law. (Okla. VII 2; W.Va. VIII 3.)

Where cases reviewable by highest court that court has exclusive jurisdiction. (Mo. VI 5.)

Right to be heard in all cases in court of last resort by appeal, error or otherwise not to be denied. (Nebr. I 24.)

Appeal not allowed to state in any case involving life or liberty of person except in case involving violation of law relating to state revenue. (Va. VI 88.)

At Discretion of Highest Court

Competent for highest court to require any case to be certified from intermediate court of appeals for its review and determination, provided highest court shall in no case exercise power conferred by this article unless application be made to court, or one of the judges thereof, not later than 30 days after decision of intermediate court of appeals has been rendered and entered. (La. 101.)

In cases of public or great general interest, highest court may, within such limitation of time as may be prescribed by law, direct any intermediate court of appeal to certify its record to highest court, and may review and affirm, modify or reverse judgment of said court. (Ohio IV 2.)

Competent for highest court to require any case to be certified from intermediate court of appeals, provided order issues before judgment or within 30 days after judgment. (Cal. VI 4.)

Described by Character of Cases

Actions and proceedings, except that in civil actions at law for recovery of money or personal property, the original amount in controversy or the value of the property must be more than $200, unless the action involves the validity of a tax, impost, assessment, toll, municipal fine or a statute. (Ariz. VI 4; Wash. IV. 4.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Jurisdiction — Appellate (*Cont'd*)
Described by Character of Cases (*Cont'd*)

All matters of adoption, emancipation, legitimacy, custody of children. (La. 85.)
Capital cases. (Ga. VI Sec. II 5.)
Cases at law. (Minn. VI 2; Okla. VII 2; R.I. XII 1.)
Cases at law, under limitations prescribed by law. (Ark. VII 4; Mont. VIII 3.)
Cases in equity. (Iowa V 4; Minn. VI 2; Nev. VI 4; Okla. VII 2; R.I. XII 1.)
Cases in equity, under limitations prescribed by law. (Ark. VII 4; Mont. VIII 3; S.C. V 4.)
Cases involving a mill, road, way, ferry or landing. (W.Va. VIII 3.)
Cases involving constitutionality of municipal ordinance or law where ordinance or law has been declared unconstitutional in the lower court; appeal directly to highest court. (La. 85.)
Cases involving federal or state constitution under rules prescribed by law. (La. 85; Ohio IV 2; Va. VI 88; W.Va. VIII 3.)
Cases involving homestead exemptions. (La. 85.)
Cases involving liability for taxes, imposts, assessments, tolls or municipal fines. (Cal. VI 4; Nev. VI 4.)
Cases involving life and liberty under rules prescribed by law. (Va. VI 88; W.Va. VIII 3.)
Cases involving right of corporation or county to levy tolls or taxes. (W.Va. VIII 3.)
Cases involving the constitutionality or legality of any tax, toll, impost, fine, forfeiture or penalty imposed by municipal corporations. (La. 85.)
Cases involving title or boundaries to land. (W.Va. VIII 3.)
Cases involving title or possession of real estate. (Cal. VI 4.)
Cases involving title to mining claims. (Nev. VI 4.)
Cases involving title to real estate. (Nev. VI 4.)
Cases of felony on leave first obtained. (Ohio IV 2.)
Cases of felony on questions of law alone. (Nev. VI 4.)
Cases at law in which demand (exclusive of interest) or value of property exceeds $300. (Nev. VI 4.)
Cases in which amount (exclusive of interest) or value of property in controversy, amounts to $2,000. (Cal. VI 4.)
Cases where matter in dispute, or fund to be distributed, exclusive of interest, exceeds $2,000. (La. 85.)
Civil cases where matter in controversy, exclusive of costs, is above $100. (W.Va. VIII 3.)
Civil cases. (Wyo. V 2.)
Criminal cases. (Okla. VII 2; Wyo. V 2.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Jurisdiction — Appellate (*Cont'd*)
Described by Character of Cases (*Cont'd*)
Criminal cases on questions of law alone, where judgment of death rendered, or imprisonment at hard labor may be inflicted, or a fine exceeding $300, or imprisonment exceeding six months. (La. 85.)
Criminal cases on questions of law only where judgment of death rendered. (Cal. VI 4.)
Accused to have right of appeal in all cases of felonious homicide and in other criminal cases prescribed by law. (Pa. V 24.)
Divorce and separation from bed and board; alimony, nullity of marriage and interdiction. (La. 85.)
Limited to review of questions of law, except where judgment is of death. (N.Y. VI 9.)
Limited to chancery cases, and shall constitute a court for correction of errors at law, under rules prescribed by law. (Iowa V 4.)
Limited to chancery cases; in which to review findings of fact as well as law, except where facts settled by jury, and verdict not set aside; and shall constitute a court for the correction of errors at law under regulations prescribed by law. (S.C. V 4.)
Other cases not included in the general subdivision of law and equity. (Nev. VI 4.)
Probate cases; appointment of guardians, committees, etc. (W.Va. VIII 3.)
Probate cases as may be prescribed by law. (Cal. VI 4.)
Sole power to declare laws or city charters, or amendments thereto, unconstitutional. (Colo. VI 1.)
Described by Courts
Appeals from and writs of error to general trial courts under rules prescribed by law. (Mont. VIII 15; N.D. IV 109; S.D. V 18; Wyo. V 18.)
Appeals from county courts as may be prescribed by law. Writs of error shall lie from highest court to every final judgment of county court. (Colo. VI 23.)
Appeals from "court of chancery and to determine finally all matters of appeals in the interlocutory or final decrees, and to proceedings in chancery". (Del. IV 12 (4).)
Appeals from court of chancery when chief justice of state, because of disqualification of chancellor, has decided case. (Del. IV 16.)
Appeals from general trial court. (Ida. V 9; Utah VIII 9.)
Appeals from judges of probate until otherwise provided by legislature. (N.H. II 75.)
Appeals from supreme bench of Baltimore city (the appellate court of the city) to the same extent as would have

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Jurisdiction — Appellate (*Cont'd*)

Described by Courts (*Cont'd*)

been the rights of the parties if said matters had been decided by the court in which said cases were tried. (Md. IV 23.)

Appeals from and writs of error to general trial court, to remain as now existing until otherwise prescribed by law. (Ky. 127.)

Appeals in civil cases from the municipal court of the city of Wheeling. (W.Va. VIII 19.)

Cases originating in the intermediate court of appeals. (Ohio IV 2.)

From compulsory boards of arbitration under rules prescribed by law. (Wyo. V 28.)

Over general trial court as now is or may be prescribed by law not inconsistent with this article. (N.Y. VI 1.)

To extend to all final judgments and decisions of general trial courts and said court shall have such appellate jurisdiction of interlocutory orders and decisions of the general trial court as may be exercised by law. (N.M. VI 2.)

To issue writs of error to the general trial court for civil cases only; determine finally all matters of error in the judgments and proceedings of said court. (Del. IV 12 (1).)

Writs of error and appeals may be allowed from county courts to general trial courts or highest court in such cases and in such manner as may be prescribed by law, provided that no appeal or writ of error shall be allowed to general trial court from any judgment rendered upon appeal from a justice of peace or police magistrate for cities or towns. (S.D. V. 29.)

Described by Courts and Character of Cases

Appeals from general trial courts in matters of equity until legislature shall establish courts of chancery. (Ark. VII 15.)

Appeals from general trial court in all cases in equity except such as arise in justices' courts. (Cal. VI 4.)

Appeals from court of general sessions in cases of prosecution under section 8, article V, bribery at elections; determine finally all matters of appeal in such cases. (Del. IV 12 (3).)

To issue writs of error to court of general sessions in all cases in which sentence shall be death, imprisonment exceeding one month, or fine exceeding $100, upon application of accused after conviction and sentence, and in such other cases as shall be provided by law, and to determine finally all matters in error in the judgments and proceedings of said court; there shall be no writ of error in

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Jurisdiction — Appellate (*Cont'd*)

Described by Courts and Character of Cases (*Cont'd*)

cases of prosecution under section 8, article V, of constitution (prosecutions for bribery at elections). (Del. IV 12.)

Cases in law and equity originating in general trial courts for civil cases only, and cases pertaining to probate jurisdiction and managements of estates of infants originating before judges of the county courts and appealed to general trial courts for civil cases only. (Fla. V 5.)

Cases of felony originating in criminal courts and in all criminal cases originating in general trial courts. (Fla. V 5.)

The court shall be a court alone for the trial and correction of errors in law and equity, appeals from general trial courts in all civil cases, whether legal or equitable, originating therein, or carried thereto from court of ordinary. (Ga. VI Sec. II 5.)

Appeals from intermediate courts of appeal in all criminal cases and in cases in which a franchise or freehold, or the validity of a statute is involved and in such other cases as may be provided by law. (Ill. VI 11.)

Appeals from St. Louis Court of Appeals to highest court, and writs of error may issue from highest court to such court in following cases only: In all cases where amount in dispute, exclusive of costs, exceeds the sum of $2,500; in cases involving construction of constitution of the United States or of this state; in cases where validity of treaty or statute of or authority exercised under United States is drawn in question; in cases involving construction of revenue laws of state or title of any office under this state; in cases involving title to real estate; in cases where county or other political division of state or any state officer is party; in all cases of felony. (Mo. VI 12.)

Unanimous decision of intermediate court of appeals that there is evidence supporting or tending to sustain findings of fact or verdict not directed by court, not to be reviewed; except where judgment is of death, appeals may be taken as a right only from judgments or orders entered upon decisions of intermediate court of appeals finally determining actions or special proceedings, and from orders granting new trials on exceptions, where appellants stipulate that upon affirmance judgment absolute shall be rendered against them; but intermediate court of appeals may in any department allow appeal upon any question of law which in its opinion ought to be reviewed by highest court. (N.Y. VI 9.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Jurisdiction — Appellate (*Cont'd*)

Described by Courts and Character of Cases (*Cont'd*)

Appeals and proceedings in error shall be taken direct to the highest court in all cases appealed from justices' courts and in all criminal cases, and in all civil cases originally brought in county court, in the same manner and by like proceedings as appeals are taken to the highest court from the judgment of the general trial court. (Okla. VII 14.)

In appeals from general trial courts in equity cases, questions of law and fact open; in cases at law, questions of law alone. (Utah VIII 9.)

Until otherwise provided by law, shall extend to questions arising in cases of appeals from intermediate courts of appeal in civil cases in which the judges of said court disagree or where the several courts may hold differently on the same question of law, or where a statute of the state is held void; to questions of law arising in cases of which the intermediate courts of appeal in civil cases have appellate jurisdiction, under such regulations as may be prescribed by legislature. (Tex. V 3.)

Appeals from general trial court in administration of decedents' estates and in cases of guardians, as shall be prescribed by law. (Utah VIII 9.)

Criminal cases where there has been a conviction for felony or misdemeanor in a general trial court and where a conviction has been had in any inferior court and been affirmed by general trial court. (W.Va. VIII 3.)

Express Limitations

Legislature may restrict the right of appeal; but the right of appeal shall not depend upon the amount involved. (N.Y. VI 9.)

None in civil case where matter in controversy, exclusive of costs and interests accrued since judgment in the court below, is less in value than $300, except in controversies concerning title to or boundaries of land, condemnation of property, the probation of a will, appointment or qualification of personal representative, guardian, committee or curator, or concerning a mill roadway, ferry landing or the right of state, county or municipal corporation to levy tolls or taxes or involving construction of any statute, ordinance or county proceeding imposing taxes, and except in cases of habeas corpus, mandamus, prohibition, the constitutionality of a law or some matter not merely pecuniary. (Va. VI 88.)

Such restrictions as prescribed by legislature (power of legislature limited to appellate proceedings for correcting errors at law; apparently cannot limit appellate power in chancery). (Iowa V 4.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Jurisdiction — Appellate (*Cont'd*)

On Certification from Lower Court

When any intermediate court of appeals shall in any cause or proceeding render decision which any one of judges therein sitting shall deem contrary to previous decision of highest court, said intermediate court of appeals must, of its own motion, pending same term and year, transfer said cause and original transcript therein to highest court, and thereupon highest court must rehear and determine said cause. (Mo. VI 6.)

If judges of intermediate court of appeals find that judgment on which they are agreed conflicts with judgment pronounced by another such court, to certify record to highest court for review and final determination. (Ohio IV 6.)

Judges' power to certify to highest court any question of law in cause pending; highest court may instruct on question or require record to be sent up for consideration and final decision. (La. 101.)

When in case in intermediate court of appeals question arises as to construction of constitution of state or of United States, or as to the constitutionality of act of legislature and decision is necessary to determination of case, court shall so certify to highest court and transmit transcript of record; highest court instructs appellate court which is bound by instruction, but if judges of highest court equally divided appellate court may decide question; appellate court may at any time certify to highest court any other question of law for instruction and highest court shall give binding instruction. (Ga. VI Sec. II 9, 5.)

Intermediate court of appeal in any department may allow appeal on any questions of law, which in its opinion ought to be reviewed by highest court. (N.Y. VI 9.)

Jurisdiction — Revisory

Such revisory jurisdiction of the proceedings of administrative officers as prescribed by law. (Ohio IV 2.)

Superintending control over all inferior courts. (Mich. VII 4; Mo. VI 3; N.M. VI 3; Wis. VII 3.)

Superintending control over all inferior courts, commissioners and boards created by law. (Okla. VII 2.)

Superintending control over all inferior courts of law and equity. (Ark. VII 4.)

Superintending control over all inferior courts under rules and limitations as may be prescribed by law. (S.D. V 2.)

Superintending control over all inferior courts under rules and limitations prescribed by law. (Colo. VI 2; N.D. IV 86; Wyo. V 2.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Jurisdiction — Revisory (*Cont'd*)

Superintending control over intermediate courts of appeal by mandamus, prohibition and certiorari. (Mo. VI 8.)

Supervisory control over all inferior courts. (La. 94; Iowa V 4; Mont. VIII 2.)

Jurisdiction — Original

Suits against state, See SUITS AGAINST STATE.

In General

As prescribed by law. (Ind. VII 4; Md. IV 14.)

No person to be prevented from invoking original jurisdiction. (Ohio IV 2.)

In remedial cases as prescribed by law. (Minn. VI 2.)

Such as may be necessary to enable it to determine questions of fact affecting its own jurisdiction in any case pending before it. (La. 85; Tex. V 3.)

To have no original jurisdiction. (Ga. VI Sec. II 5.)

Not to exercise any other than that over the particular class of cases specifically designated in constitution. (Pa. V 3.)

Described by Character of Cases

Power in regard to writs, *See below, this subdivision,* WRITS.

Petitions to remove judges of general trial court; procedure minutely set forth. (Tex. XV 6.)

All matters touching professional misconduct of members of the bar, with power to disbar under such rules as may be adopted by the court; jurisdiction exclusive. (La. 85.)

Cases between counties involving boundaries and surveys; jurisdiction exclusive. (Ariz. VI 4.)

Cases between counties involving claims of one county against another. (Ariz. VI 4.)

Cases for removal of judges when presented in writing upon oath taken before some judge of a court of record, of not less than 10 lawyers, practicing in the courts held by such judge and licensed to practice in highest court; said presentment to be founded either upon knowledge of the person making it or upon written oaths as to facts of credible witnesses, highest court may issue all needful process and prescribe all needful rules to give effect to this section; causes of this kind to have precedence and be tried as soon as practicable. (Tex. XV 6.)

Cases of divorce, alimony and marriage, until otherwise provided by legislature. (N.H. II 75.)

Cases of removal of judges of intermediate courts of appeal and general trial courts. (La. 221.)

Cases relating to revenue. (Ill. VI 2; Nebr. VI 2.)

Civil cases in which the state is a party. (Nebr. VI 2.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Jurisdiction — Territorial Extent
Coextensive with state. (Ala. VI 140; Ark. VII 4; Colo. VI 2; Del. IV 19; Ind. VII 4; Kan. III 3; Ky. 110; Md. IV 14; Mo. VI 2; Mont. VIII 2; N.M. VI 2; N.D. IV 86; Okla. VII 2; Pa. V 2; S.D. V 2; Tex. V 3; Wis. VII 3; Wyo. V 2.)
Library
See also LIBRARIES.
Clerk to be librarian. (Fla. V 7.)
Legislature to appropriate at least $500 a year for purchase of books. (Fla. XVI 27.)
Name
Court of appeals. (Ky. 109; Md. IV 14; N.Y. VI 1.)
Court of errors and appeals. (N.J. VI Sec. II 1.)
Supreme. (Ala. VI 139; Ariz. VI 1; Ark. VII 2; Cal. VI 3; Colo. VI 2; Del. IV 12; Fla. V 1; Ga. VI Sec. II 1; Ida. V 6; Ill. VI 2; Ind. VII 1; Iowa V 1; Kan. III 2; La. 84; Mich. VII 2; Minn. VI 2; Miss. VI 144; Mo. VI 2; Mont. VIII 2; Nebr. VI 2; Nev. VI 1; N.M. VI 2; N.C. IV 6; N.D. IV 86; Ohio IV 2; Okla. VII 2; Ore. VII 2; Pa. V 2; R.I. X 1; S.C. V 2; S.D. V 2; Tenn. VI 1; Tex. V 2; Utah VIII 2; Vt. II 28; Wash. IV 2; Wis. VII 3; Wyo. V 2.)
Supreme court of appeals. (Va. VI 88; W.Va. VIII 2.)
Supreme court of errors. (Conn. V 1.)
Supreme judicial court. (Me. VI 1; Mass. Pt. II Ch. III 2.)
Non-Judicial Duties
Except as provided in constitution, no duties or functions to be attached to court except judicial. (La. 96.)
As to judges, *See above, this subdivision,* JUDGES — NON-JUDICIAL DUTIES.
Officers
Officers to be appointed by court or by judges in vacation; duties, compensation and tenure of office to be prescribed by law. (Va. VI 92.)
Officers, except reporter, to be appointed by court, or in vacation by judges, with power of removal; duties and compensation to be prescribed by law. (W.Va. VIII 8.)
Attendants appointed and removed by court. (N.Y. VI 7.)
Bailiff appointed and removed by court. (N.M. VI 9.)
Court crier appointed and removed by court; salary and duties fixed by law. (Mich. VII 6.)
Place of Holding, *See below, this subdivision,* TERMS.
Presiding Officer
As to selection, etc., of chief justice, See above, this subdivision, CHIEF JUSTICE.
Chief justice. (Ariz. VI 3; Ida. V 6; Mont. VIII 8; Nebr. VI 6; N.M. VI 4; S.C. V 2; Utah VIII 2; Wash. IV 3; Wyo. V 4.)
Chief justice may sit in either department; to preside when so sitting. (Cal. VI 2.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Presiding Officer (*Cont'd*)

Chief justice to preside at all sessions of court *en banc*. (Cal. VI 2; Colo. VI 8.)

Chief justice to preside in appeals from court of chancery. (Del. IV 14.)

In absence of chief justice associate judges to select one of their own number. (Cal. VI 2.)

In absence of chief justice, judge having next shortest term. (Wyo. V 4.)

In absence of chief justice judge having shortest term to serve, not filling vacancy. (Ariz. VI 3; Ida. V 6; Mont. VIII 8; N.M. VI 4; Utah VIII 2; Wash. IV 3.)

In absence of chief justice judge present next entitled to become chief justice to preside. (Colo. VI 8.)

In absence of chief justice judges present to select one of their number. (Nebr. VI 6.)

In absence of chief justice, senior associate judge. (S.C. V 2.)

Chancellor, or in his absence, chief justice, or in his absence, senior associate judge, on writs of error to general trial court for civil cases only, court of oyer and terminer, or court of general sessions, and on appeal from court of general sessions. (Del. IV 13.)

Senior associate judge present to preside when court is hearing an appeal from court of chancery in a case where the chief justice of the state has acted in the court of chancery because the chancellor is disqualified. (Del. IV 16.)

Senior associate judge to preside in absence of chief justice in cases of appeal from court of chancery. (Del. IV 14.)

Procedure

Appellate and original jurisdiction invoked in manner now prescribed by law until legislature shall otherwise provide. (Okla. VII 8.)

To make rules and amend practice. (Cal. VI 4; Mich. VII 5; Tex. V 25.)

Judges to make and publish rules and regulations for the prosecution of appeals, whereby they shall prescribe periods within which appeals may be taken, what part of proceedings in court below shall constitute record, manner in which such appeals brought to hearing or determination, and regulate generally practice of said court of appeals so as to prevent delays, promote brevity in records and proceedings and abolish unnecessary costs. (Md. IV 18.)

Power to issue all process necessary to secure jurisdiction to parties. (Iowa V 4.)

Appeals and writs of error may be taken to supreme court held in the grand division in which case is decided or by consent of the parties to any other grand division. (Ill. VI 8.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Procedure (*Cont'd*)
Appeal taken within five years of judgment unless person entitled to writ is infant, married woman, *non compos mentis* or prisoner, and then within five years exclusive of time of disability. (Del. IV 28.)
Bond not required of accused as condition of appeal, but supersedeas bond may be required when only punishment imposed in court below is fine. (Va. VI 88.)
If plaintiff in error shall not be prepared at first term to prosecute cause, unless prevented by providential cause, it shall be stricken from docket and judgment below stand affirmed. (Ga. VI Sec. II 6.)
A writ of error, supersedeas or appeal allowed only upon petition assigning error in judgment, and after judge shall have examined and considered record of assignment of errors and satisfied that there is error in same, or that it presents a point proper for consideration of highest court. (W.Va. VIII 6.)
All cases shall stand for hearing at first term after transmission of record. (Md. IV 15.)
Appeals from general trial court shall be upon record made in the court below under regulation of law. (Utah VIII 9.)
Until otherwise provided by law, either party may have attached to bill of exceptions the whole testimony, instructions of court to jury and any other material, and decision of the appeal. (Ore. VII 3.)
Highest court by rules to regulate manner of certifying cases from intermediate court of appeals, and subsequent proceedings, until otherwise provided by law; no affirmance of judgment of the court below in cases pending in intermediate court of appeals to result from delay in disposing of questions so certified. (Ga. VI Sec. II 9.)
If case carried to court is of class belonging to intermediate court of appeal (court of appeals) may be transferred by court to such court of appeals under such rules as highest court may prescribe until otherwise provided by law. (Ga. VI Sec. II 5.)
No appeal dismissed for reason only that the same was not taken to proper court, but case shall be transferred to proper court upon such terms as to costs or otherwise as may be just and shall be proceeded with therein as if regularly appealed. (Cal. VI 4.)
No judgment or decree in any chancery or general trial court rendered in civil case to be reversed or annulled on ground of want of jurisdiction to render such judgment or decree, from error or mistake as to whether cause in which rendered was in equity or common-law jurisdiction, but if highest court finds error in proceedings other than as to jurisdiction, and it is necessary to remand case, it may remand it to any court which, in its opinion, can best determine controversy. (Miss. VI 147.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Procedure (*Cont'd*)

When executor or administrator appeals from decree of chancellor or applies for writ of error; proceedings shall not stay unless he shall give sufficient surety approved by court to effect that he will prosecute to effect, and pay condemnation money and costs, or otherwise abide decree in appeal or judgment in error if he fails to make his plea good. (Del. IV 27.)

Appeals and writs of error prosecuted from criminal court of record of Escambia county in accordance with laws and rules governing such proceedings from general trial court to highest court. (Fla. V 40.)

Quarters

Legislature to make necessary appropriation to provide suitable and commodious building for the court and the records thereof. (La. 88.)

State to provide suitable room at seat of government in which highest court shall hold its sessions. (Mo. VI 10.)

Quorum

A majority. (Ariz. VI 2; Fla. V 4; Ga. VI Sec. II 1; Ida. V 6; Ind. VII 2; Ky. 117; La. 86; Mont. VIII 5; Nebr. VI 2; Nev. VI 2; N.M. VI 5; N.D. IV 89; Ohio IV 2; Okla. VII 3; R.I. XII 1; S.C. V 2; S.D. V 7; Utah VIII 2; Wash. IV 2; Wyo. V 5.)

Two (out of three.) (Ark. VII 2; Miss. VI 145; Tex. V 2.)

Two (Iowa V 2; as to number of judges, *See above, this subdivision*, JUDGES — NUMBER).

Three (out of five). (Del. XIII 14; Va. VI 88.)

Three (out of four) on appeals from court of chancery in cases where chief justice of state has presided in court of chancery, the chancellor being disqualified. (Del. IV 16.)

Four (out of seven). (Ill. VI 2; Md. IV 15; Wis. VII 4.)

Five (out of seven). (N.Y. VI 7.)

One judge may open or adjourn court. (Del. IV 13, 14.)

One or more judges may adjourn court from day to day or to a day certain. (Mont. VIII 5; N.D. IV 89; S.D. V 7.)

One (out of four) may open or adjourn any cases of appeal from court of chancery where chief justice of state has presided in court of chancery, the chancellor being disqualified. (Del. IV 16.)

Where either party shall desire, court to be composed of three judges (the entire number of the court) (if one disqualified or unable to sit method provided for temporary appointment). (Miss. VI 165.)

Ad litem appointees, *See above, this subdivision*, JUDGES — AD LITEM APPOINTEES.

Rehearing

Court shall prescribe by rule that petitions for rehearing shall be considered by a judge who did not deliver opinion in case. (Ky. 118.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Reporter

Compensation

As prescribed by law. (Cal. VI 21; Ill. VI 32; Mich. VII 6; Wash. IV 18.)

As prescribed by law; court to fix until so prescribed. (Ariz. VI 14.)

As prescribed by law; not to exceed $1,500 per annum. (Nebr. VI 8.)

Duties in General

As prescribed by law. (Ill. VI 32; Kan. III 4; Mich. VII 6; S.C. V 7.)

As prescribed by law and by rules of court not inconsistent with law. (Cal. VI 21; N.D. IV 93.)

How Selected

Appointed. (N.M. VI 9.)

Appointed by court. (Ariz. VI 14; Ark. VII 7; Cal. VI 21; Ill. VI 9; Kan. III 4; Mich. VII 6; Minn. VI 2; Nebr. VI 8; N.Y. VI 7; N.D. IV 93; S.C. V 7; Utah VIII 14; Tenn. VI 5; Wash. IV 18.)

Number

A reporter and not more than three assistant reporters of decisions of highest court and intermediate court of appeals. (Cal. VI 21.)

Removal

By court for good cause. (Ark. VII 7.)

To be removed on prosecution and final conviction for misdemeanor in office. (Ill. VI 9, 32.)

Residence

To reside in division, circuit, county or district for which appointed. (Ill. VI 9, 32.)

Term of Office

During pleasure of court. (Ariz. VI 14; Cal. VI 21; Ill. VI 9; Mich. VII 6; Nebr. VI 8; N.Y. VI 7; N.M. VI 9; N.D. IV 93; Utah VIII 14; Wash. IV 18.)

Two years. (Kan. III 4.)

Four years. (Nebr. VI 8; S.C. V 7.)

Six years. (Ark. VII 7.)

Six years and until successor qualified, subject to removal by court. (Ill. VI 9, 32.)

Eight years. (Tenn. VI 5.)

Seal

Shall have a seal. (Md. IV 1; Mich. VII 17; Utah VIII 17.)

That in use by supreme court of territory until otherwise provided by law. (Ida. XXI 17; Utah XXIV 8; Wash. XXVII 9.)

That now in use in supreme court of territory until otherwise provided by law, except that the word "state" shall be substituted for the word "territory" on said seal. (Ariz. XXII 10.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Stenographers

To be appointed by court for use of judges; $2,000 to be appropriated annually by legislature. (La. 92.)

Terms

General Provisions

Should be held under such regulations as may be provided by law. (S.D. V 28.)

Until legislature shall provide by law for fixing terms of court, judges shall fix. (Colo. VI 20; N.D. IV 118; Okla. VII 5; S.D. V 33.)

Number per Annum

As prescribed by law. (Ark. VII 8; Fla. V 4.)

One. (La. 88; N.M. VI 7.)

One, and such others as may be prescribed by law. (Kan. III 3; Minn. VI 2; Ohio IV 2; Wis. VII 11.)

At least one. (Ore. VII 4; Wis. VII 11.)

Two. (Miss. VI 148; S.C. V 5.)

At least two. (Colo. VI 4; Nebr. VI 3; S.D. V 4; W.Va. VIII 9; Wyo. V 7.)

Three. (N.D. IV 88.)

At least three. (Utah VIII 4; Mont. VIII 4.)

Four. (Mich. VII 3.)

At least four (after six years legislature may alter provisions of this section.) (Ida. V S.)

Place of Holding

As prescribed by law. (Iowa V 3; Mich. VII 3; W.Va. VIII 9.)

At two or more places in state to be fixed by law. (Va. VI 93.)

Seat of government. (Ariz. VI 3; Ark. VII 8; Colo. VI 4; Fla. V 4, XVI 10; Ga. VI Sec. II 5; Miss. VI 148; Mo. VI 9; Mont. VIII 4; Nebr. VI 3; Nev. VI 7; N.M. VI 7; Okla. VII 5; Tex. V 3; Utah VIII 4; Wis. VII 11.)

Seat of government, and other place prescribed by law. (Ohio IV 2; S.C. V 5.)

Seat of government; but if it become dangerous from any cause court may convene at or adjourn to another place. (Ala. VI 141.)

Seat of government; but if it become dangerous in case of war, insurrection or pestilence court may adjourn to meet and transact its business at another place in state. (Ky. III.)

Seat of government for at least one of the annual terms. (Ore. VII 7.)

Seat of government for at least one of the annual terms and other terms at such places as prescribed by law. (Kan. III 3.)

Seat of government for at least two of the annual terms. (S.D. V 4; Wyo. V 7.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Terms (*Cont'd*)
Place of Holding (*Cont'd*)
Seat of government; legislature may provide by two-thirds vote that one term in each year shall be held in each or any judicial district. (Minn. VI 2.)
Seat of government until otherwise prescribed by law. (Wash. IV 3.)
Seat of state government for at least two of the annual terms and two terms at city of Lewiston in Nez Perce county; in case of epidemic, pestilence or destruction of court house the justices may hold terms other places to be fixed by a majority of them. (After six years legislature may alter provisions of this section.) (Ida. V 8.)
Two of the annual terms at seat of government; one special term at cities other than Bismarck upon twenty days' previous published notice. (N.D. IV 88.)
To continue to be held in present grand division at several places now provided for holding the same until otherwise provided by law (specific places pointed out). (Ill. VI 4.)
New Orleans. (La. 88.)
Annapolis; judges may temporarily transfer their sittings elsewhere upon sufficient cause. (Md. IV 14.)
Raleigh, until otherwise prescribed by law. (N.C. IV 7.)
Knoxville, Nashville and Jackson. (Tenn. VI 2.)
Time of Holding
As prescribed by law. (Ark. VII 8; Fla. V 4; Ga. VI Sec. II 5; Ill. VI 4; Mich. VII 3; Miss. VI 148; Nev. VI 7; Ore. VII 7; W.Va. VIII 9; Wis. VII 11.)
As court may direct until prescribed by law. (Nev. XVII 15; Wyo. V 26.)
As may be prescribed by law and until otherwise directed by law, shall commence on third Tuesday in October and April of each year. (Mo. VI 9.)
At such time as legislature may prescribe. (Iowa V 3.)
Commencing first Monday in January next succeeding election. (Ky. 112.)
Commencing on second Wednesday in January. (N.M. VI 7.)
First Monday in April and first Monday in October and on the first Monday in January and at such other times as legislature may by law direct. (Md. IV 14.)
To sit for the transaction of business from the first Monday of October until the last Saturday of June inclusive. (Tex. V 3.)
To begin not later than first Monday in November and end not before June 30th. (La. 88.)
Session to continue not less than 10 months in the year if the business before it shall so require. (Md. IV 14.)
Court always to be open for transaction of business. (Cal. VI 2.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Terms (*Cont'd*)

Time of Holding (*Cont'd*)

Court to be open at all times for transaction of business, except on non-judicial days. (Ariz. VI 2; Wash. IV 2.)

Court to be open at all times; may take such recess as in its judgment may be proper. (N.M. VI 7.)

Writs

For power of judges, See above, this subdivision, JUDGES.

Certiorari

Power to issue and to hear and determine. (Colo. VI 3; Mo. VI 3; Mont. VIII 3; N.M. VI 3; N.D. IV 87; Okla. VII 2; Wis. VII 3.)

Power to issue and to hear and determine in cases and under regulations prescribed by law. (S.D. V 3.)

Original jurisdiction to issue. (Ida. V 9; Utah VIII 4.)

Power to issue. (Ariz. VI 4; Cal. VI 4; Fla. V 5; La. 94; Nev. VI 4; Tex. V 3; Wash. IV 4; Wyo. V 3.)

Power to issue writs or orders of. (S.C. V 4.)

Power to issue to general trial courts (for civil cases only), court of oyer and terminer, court of general sessions, court of chancery, orphans' court, or any of judges of said courts, and all orders, rules and processes proper to give effect to same. (Del. IV 12 (5).)

Appellate jurisdiction. (W.Va. VIII 3.)

Appellate jurisdiction as now or may be provided by law. (Pa. V 3.)

Power to issue and to hear and determine in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)

Error

Power to issue and to hear and determine. (Mich. VII 4; N.M. VI 3.)

Power to issue and to hear and determine in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)

Appellate jurisdiction as now or may be provided by law. (Pa. V 3.)

Habeas Corpus

Power to issue and to hear and determine. (Colo. VI 3; Mich. VII 4; Mo. VI 3; Mont. VIII 3; N.M. VI 3; N.D. IV 87; Okla. VII 2; Wis. VII 3.)

Jurisdiction. (Nebr. VI 2; Va. VI 88.)

Original jurisdiction. (Ariz. VI 4; Ill. VI 2; Kan. III 3; Ohio IV 2; W.Va. VIII 3.)

Original jurisdiction at its own discretion. (Ore. VII 2.)

Power to issue. (Ala. VI 140; Ariz. VI 4; Cal. VI 4; Fla. V 5; Nev. VI 4; S.D. V 3; Wash. IV 4; Wyo. V 3.)

Power to issue writs or orders of. (S.C. V 4.)

Power to issue as may be prescribed by law. (Tex. V 3.)

Original jurisdiction to issue. (Ida. V 9; Utah VIII 4.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Writs (*Cont'd*)
Habeas Corpus (*Cont'd*)
Original jurisdiction as to state officers. (Wash. IV 4.)
Power to issue in instance of any person in actual custody where it may have appellate jurisdiction. (La. 93.)
Appellate jurisdiction. (W.Va. VIII 3.)
Power to issue and to hear and determine in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Injunction
Power to issue and to hear and determine. (Colo. VI 3; Mont. VIII 3; N.M. VI 3; N.D. IV 87; Wis. VII 3.)
Power to issue. (Ala. VI 140.)
Power to issue writs or orders of. (S.C. V 4.)
Original jurisdiction in cases where corporation is party defendant. (Pa. V 3.)
Power to issue and to hear and determine in cases and under regulations prescribed by law. (S.D. V 3.)
Mandamus
Power to issue and to hear and determine. (Colo. VI 3; Mich. VII 4; Mo. VI 3; Mont. VIII 3; N.M. VI 3; N.D. IV 87; Okla. VII 2; Wis. VII 3.)
Jurisdiction. (Nebr. VI 2; Va. VI 88.)
Original jurisdiction. (Ill. VI 2; Kan. III 3; Ohio IV 2; W.Va. VIII 3.)
Original jurisdiction at its own discretion. (Ore. VII 2.)
Original jurisdiction to issue. (Ida. V 9; Utah VIII 4.)
Power to issue and to hear and determine in cases and under regulations prescribed by law. (S.D. V 3.)
Power to issue. (Ariz. VI 4; Cal. VI 4; Fla. V 5; La. 94; Tex. V 3; Wash. IV 4.)
Power to issue writs or orders of. (S.C. V 4.)
Legislature may confer original jurisdiction to issue in such cases as may be specified, except as against governor. (Tex. V 3.)
Original jurisdiction as to state officers. (Ariz. VI 4; Wash. IV 4; Wyo. V 3.)
Original jurisdiction against all state officers, boards and commissions. (N.M. VI 3.)
To courts of inferior jurisdiction, original jurisdiction. (Pa. V 3.)
Power to issue to general trial court (for civil cases only), court of oyer and terminer, court of general sessions, court of chancery, orphans' court, or any of judges of said courts, and all orders, rules and processes proper to give effect to same. (Del. IV 12 (5).)
Power to issue and to hear and determine in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Appellate jurisdiction. (W.Va. VIII 3.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Writs (*Cont'd*)
Prerogative
Power to issue. (R.I. Amend. XII 1.)
Procedendo
Power to issue and to hear and determine. (Mich. VII 4.)
Original jurisdiction. (Ohio IV 2.)
Power to issue. (Tex. V 3.)
Prohibition
Power to issue and to hear and determine. (Mont. VIII 3; N.M. VI 3; Okla. VII 2.)
Jurisdiction. (Va. VI 88.)
Original jurisdiction. (Ohio IV 2; W.Va. VIII 3.)
Original jurisdiction to issue. (Ida. V 9; Utah VIII 4.)
Power to issue writs or orders of. (S.C. V 4.)
Power to issue. (Ariz. VI 4; Cal. VI 4; La. 94; Nev. VI 4; Wash. IV 4; Wyo. V 3.)
Power to issue to general trial court for civil cases only, court of oyer and terminer, court of general sessions, court of chancery, orphans' court, or any of judges of said courts, and all orders, rules and processes proper to give effect to same. (Del. IV 12 (5).)
Power to issue and to hear and determine in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Appellate jurisdiction. (W.Va. VIII 3.)
Quo Warranto
Power to issue and to hear and determine. (Colo. VI 3; Mich. VII 4; Mo. VI 3; Mont. VIII 3; N.D. IV 87; Okla. VII 2; Wis. VII 3.)
Power to issue and to hear and determine in cases and under regulations prescribed by law. (S.D. V 3.)
Jurisdiction. (Nebr. VI 2.)
Original jurisdiction. (Ohio IV 2.)
Original jurisdiction at its own discretion. (Ore. VII 2.)
Original jurisdiction to issue. (Utah VIII 4.)
Power to issue. (Ala. VI 140; Fla. V 5; La. 94; Nev. VI 4.)
Legislature may confer original jurisdiction to issue in such cases as may be specified, except as against governor. (Tex. V 3.)
Original jurisdiction as to state officers. (Ariz. VI 4; Wash. IV 4; Wyo. V 3.)
Original jurisdiction against all state officers, boards and commissions. (N.M. VI 3.)
Original jurisdiction as to all state officers whose jurisdiction extends over state. (Pa. V 3.)
Power to issue and to hear and determine in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Appellate jurisdiction. (W.Va. VIII 3.)

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COURTS (*Cont'd*)
HIGHEST COURT (*Cont'd*)
Writs (*Cont'd*)
Quo Warranto (*Cont'd*)
Power to issue in exercise of original jurisdiction to circuit judges and chancellors when created and to officers of political corporations when question involved is legal existence of such corporations. (Ark. VII 5.)
Review
Power to issue. (Ariz. VI 4; Wash. IV 4; Wyo. V 3.)
Supersedeas
Power to issue and to hear and determine in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
In General
Power to issue such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdiction. (Ala. VI 140.)
Power to issue all other writs necessary or proper to complete exercise of its appellate and revisory jurisdiction. (Ariz. VI 4; Wyo. V 3.)
Power to issue and to hear and determine other remedial writs, in aid of its appellate and supervisory jurisdiction. (Ark. VII 4.)
Power to issue all other writs necessary or proper to complete exercise of its appellate jurisdiction. (Cal. VI 4; Nev. VI 4.)
Power to issue and to hear and determine other original and remedial writs. (Colo. VI 3; Mich. VII 4; Wis. VII 3.)
Power to issue all other writs necessary or proper to complete exercise of its jurisdiction. (Fla. V 5.)
Jurisdiction original to issue all necessary or proper to complete exercise of its appellate jurisdiction. (Ida. V 9.)
Power to issue all writs necessary to secure justice to parties. (Iowa V 4.)
Power to issue such as may be necessary to give it a general control of inferior jurisdiction. (Ky. 110.)
Power to issue other remedial writs. (La. 94.)
Power to issue and to hear and determine other original remedial writs. (Mo. VI 3.)
Power to issue and to hear and determine such other original and remedial writs as may be necessary or proper to complete exercise of its appellate jurisdiction. (Mont. VIII 3.)
Power to issue and to hear and determine all other writs necessary or proper for complete exercise of its jurisdiction. (N.M. VI 3.)
Power to issue any remedial writs necessary to give it general supervision and control over proceedings of inferior courts. (N.C. IV 8.)

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COURTS (*Cont'd*)

HIGHEST COURT (*Cont'd*)

Writs (*Cont'd*)

In General (*Cont'd*)

Power to issue and to hear and determine other original and remedial writs as may be necessary to proper exercise of its jurisdiction. (N.D. IV 87.)

Power to issue and to hear and determine such other remedial writs as may be provided by law. (Okla. VII 2.)

Power to issue other original and remedial writs. (S.C. V 4.)

Power to issue and to hear and determine original and remedial writs in cases and under regulations prescribed by law. (S.D. V 3.)

Power to issue such other writs as may be necessary to enforce its jurisdiction. (Tex. V 3.)

Power to issue necessary and proper writs for exercise of appellate jurisdiction. (Utah VIII 4.)

IMPEACHMENT COURTS, *See* IMPEACHMENT.

IMPRISONMENT FOR DEBT, *See* IMPRISONMENT FOR DEBT.

INTERMEDIATE COURTS OF APPEAL

For civil cases only, See below, this title, INTERMEDIATE COURTS OF APPEAL FOR CIVIL CASES ONLY.

For criminal cases only, See below, this title, INTERMEDIATE COURTS OF APPEAL FOR CRIMINAL CASES ONLY.

Character

Court of record. (Cal. VI 12.)

Chief Justice

See also below, this subdivision, JUDGES.

Appointed by governor from one of judges of general trial court and shall act as such during his term of office. (N.Y. VI 2.)

Elected as such. (Cal. VI 4; Tex. V 6.)

Resident of the department (state divided into three departments; court in each department). (N.Y. VI 2.)

Clerks

See also above, this title, CLERKS.

Compensation

As provided by law. (Cal. VI 21.)

Paid out of the public treasury as provided by law. (N.Y. VI 19.)

Duties

As provided by law or rules of court. (Cal. VI 21.)

How Selected

Appointed by court. (Cal. VI 21; Ga. VI Sec. II 5; N.Y. VI 19.)

Appointed by governor with advice and consent of senate. (N.J. VII Sec. II 4.)

Location of Office

At place designated by judge of court. (N.Y. VI 19.)

Number

One for each department. (N.Y. VI 19.)

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COURTS (*Cont'd*)
INTERMEDIATE COURTS OF APPEAL (*Cont'd*)
Clerks (*Cont'd*)
Removal
At pleasure of court. (Cal. VI 21.)
Term of Office
At pleasure of court. (Cal. VI 21.)
Five years. (N.J. VII Sec. II 4.)
Costs
Cost of appeal in any case to the first and second circuits not to exceed $5. (La. 106.)
Law relating to highest court to apply so far as applicable until otherwise provided by law. (Ga. VI Sec. II 5.)
Court of Appeals for Parish of Orleans
Detailed provisions for. (La. 131.)
Decisions
See also below, this subdivision, JUDGMENTS.
Number Necessary to Render
All must concur. (Cal. VI 4.)
No judgment of a general trial court and superior court or other court of record, to be reversed except by the concurrence of all judges on the weight of the evidence and by majority upon other questions. (Ohio IV 6.)
Three (out of five). (N.Y. VI 2.)
Two (out of three); when from any cause two judges cannot agree they shall appoint a district judge or lawyer having qualifications of a judge of their court to sit in the case. (La. 102.)
Publication of
Legislature to provide for speedy publication of opinions highest court shall deem expedient; all opinions free for publication to any person. (Cal. VI 16.)
Reasons to Be Set Forth
Grounds of decision stated in writing; if judges unable to concur in judgment to give their several opinions in writing and cause copies thereof to be forwarded to highest court. (Cal. VI 24.)
Reporting of
Legislature may provide for the reporting of cases. (Ohio IV 6.)
Establishment, *See above, this title,* ESTABLISHMENT.
Judges
See also below, this title, JUDGES.
Ad Litem Appointees
Should any two judges be unable to serve, remaining judge to appoint some general trial court judge or lawyer with qualifications of judge to sit in case. (La. 102.)
Temporary appointment by governor in case of absence of any judge, but no judge to sit in review of decision made by him or by court of which he was at time a sitting member. (N.Y. VI 2, 3.)

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COURTS (*Cont'd*)

INTERMEDIATE COURTS OF APPEAL (*Cont'd*)

Judges (*Cont'd*)

Ad Litem Appointees (*Cont'd*)

When for any reason judge disqualified or unable to act in any cause, highest court appoints judge from any district or judge of general trial court who has not acted in case below. (Cal. VI 4.)

Chief Justice, See above, this subdivision, CHIEF JUSTICE.

Compensation

$4,000 a year except judges of court of appeals for parish of Orleans, $5,000; payable monthly upon warrant of judge. (La. 99.)

Prohibition against receiving any fees or compensation other than salary for any official duty performed. (La. 96.)

$7,000, payable at stated times out of state treasury, but not until judge makes and subscribes to affidavit that no cause in his court remains undecided that had been submitted for decision for a period of 90 days. (Cal. VI 17, 24.)

Dual Office Holding

Not to hold any other office or public employment other than judicial during term for which elected. (Cal. VI 18.)

How Selected

By appointment by governor with advice and consent of senate. (N.J. VII Sec. II 1.)

By appointment by governor from judges of general trial court. (N.Y. VI 2.)

Elected as judges of highest court. (Ga. VI Sec. II 9.)

Elected by electors of respective appellate districts. Mode and time of election as prescribed by law, but no law shall abridge term of any judge then in office. (Ohio IV 6.)

Elected by qualified electors of respective districts at same time and place as congressional election next preceding expiration of term. (La. 100.)

Elected by qualified electors within their respective districts at general state elections at time and places at which justices of highest court are elected. (Cal. VI 4.)

Court to consist of justices of general trial court as prescribed by law. (Ill. VI 11.)

Impeachment, See IMPEACHMENT.

Non-Judicial Duties

No duties or functions to be attached by law to judges except as provided in constitution. (La. 96.)

Number

As provided by law. (Ill. VI 11.)

Three. (La. 99.)

Three unless otherwise provided by law. (Ga. VI Sec. II 9.)

Three for each district (three districts). (Cal. VI 4.)

Three in each district (number of districts fixed by law). (Ohio IV 6.)

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COURTS (*Cont'd*)
INTERMEDIATE COURTS OF APPEAL (*Cont'd*)
Judges (*Cont'd*)
Number (*Cont'd*)
Five; chief justice and four associates; number of associates may be increased or decreased by law but never less than two. (N.J. VI Sec. V 1.)
Seven in first department; five in each of three other departments. (N.Y. VI 2.)
If presiding judge certifies to governor that one or more additional judges are needed for speedy disposition of business, governor to appoint additional members from general trial courts. (N.Y. VI 2.)
Power to Act in Other Courts
No judge within own department to exercise powers of judge of general trial court other than those of a judge of court and those pertaining to his own court or to hearing and decision of motions submitted by consent of counsel, but when not actually engaged in performing duties of court in department to which designated, may hold any term of the general trial court and exercise powers of judge of that court in any county or judicial district in any other department. (N.Y. VI 2.)
Ad litem appointment to highest court, *See above, this title,* HIGHEST COURT — JUDGES.
Power to Act in Other Districts
Interchange of judges from one district to another when a member of court is unable to attend from sickness or other cause. (La. 100.)
Competent to exercise power in any appellate district; chief justice of highest court may assign judge to any county to hold court. (Ohio IV 6.)
Prohibited from Sitting
No judge to sit in review on case decided by him. (Ill. VI 11.)
No more than five to sit in any case (five is the total membership of court in two of the four departments; seven in other departments). No judge to sit in review of decision made by him or by court of which he was at time a sitting member. (N.Y. VI 2, 3.)
Chief justice of highest court to determine disability or disqualification of any judge. (Ohio IV 6.)
Qualifications
Thirty years of age. (N.M. VI 8.)
Practiced law in state for six years. (La. 99.)
Admitted to practice before highest court. (Cal. VI 23.)
Practiced law three years in state; time served upon bench of any general trial court counted. (N.M. VI 8.)
Learned in the law. (La. 99; N.M. VI 8.)
Citizen of the United States. (La. 99.)
Elector of state. (La. 99.)

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COURTS (*Cont'd*)

INTERMEDIATE COURTS OF APPEAL (*Cont'd*)

Judges (*Cont'd*)

Qualifications (*Cont'd*)

Same as highest court except as otherwise provided in constitution, and until otherwise provided by law. (Ga. VI Sec. II 5.)

Resident of district from which elected or appointed for at least two years preceding. (La. 99.)

Majority of judges in each department to be residents of department. (N.Y. VI 2.)

Removal

By concurrent resolution of both houses of legislature; two-thirds vote of each house; cause entered on journal; judge served with copy of complaint; opportunity to defend; yeas and nays entered on journal. (Cal. VI 10.)

By governor on address of two-thirds of each house for wilful neglect of duties, incompetency, habitual drunkenness, oppression in office or other reasonable cause which shall not be sufficient ground for impeachment; causes entered at length in address and entered on journal; judge notified and admitted to defend before vote taken; yeas and nays entered on journal of each house. (Tex. XV 8.)

By highest court for cause specified in constitution instituted by attorney-general or district attorney at their discretion, or when directed to do so by governor, or by information and written request of 25 citizens and taxpayers residing in district over which judge presides; suit tried after citation and 10 days for answering; pendency of suit not to operate a suspension of office; if acquitted judgment rendered *in solido* against citizens signing request; if convicted shall extend not only to removal from office and disqualified from holding any office of honor, trust or profit, but also from practice of law; whether convicted or acquitted, nevertheless, to be liable to prosecution according to law. (La. 221.)

Term of Office

Five years or unexpired portion of term if less than five years, except in case of chief justice. (N.Y. VI 2.)

Six years and until successors are qualified. Those first elected to hold office for two, four and six years respectively; determination by lot and so commissioned by governor. Ga. VI Sec. II 9.)

Six years until otherwise provided by law. (Ohio IV 6.)

Seven years. (N.J. VII Sec. II 1.)

Twelve years. After election of 1906 to so classify themselves by lot that one shall go out at end of four years, another at end of eight and one at end of 12 in each district. Classification entered on minutes of court, signed by three judges; duplicate filed with secretary of state. (Cal. VI 4.)

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COURTS (*Cont'd*)
INTERMEDIATE COURTS OF APPEAL (*Cont'd*)
Judges (*Cont'd*)
Vacancies
Filled by appointment of governor; appointee serves until election. (Cal. VI 4.)
Filled by appointment of governor from among general trial court judges. (N.Y. VI 2.)
Filled by appointment of governor with advice and consent of senate; appointee serves until next congressional election. (La. 100.)
Filled in same manner as provided by law for judges of highest court. (Ga. VI Sec. II 9.)
Writs
For power of court, See below, this subdivision, WRITS.
Each of judges shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or district court of appeals of his district or before any superior court within his district or before any judge thereof. (Cal. VI 4.)
Each of judges shall have authority to issue writs of mandamus, prohibition and certiorari, in aid of their appellate jurisdiction. (La. 105.)
Shall have power to issue writ of habeas corpus at instance of any person in actual custody within their respective circuits. (La. 104.)
Judgments
See also above, this subdivision, DECISIONS.
Final; except cases under federal or state constitution, cases of felony and cases of which court has original jurisdiction (quo warranto, mandamus, habeas corpus, prohibition, procedendo); and cases of public or general interest in which highest court may direct that record be certified to that court. (Ohio IV 6.)
Final upon expiration of 30 days after pronouncement. (Cal. VI 4.)
Appeals to highest court, *See above, this title,* HIGHEST COURT — JURISDICTION.
Judicial Districts
Exclusive of parishes whose appeals are returnable to court of appeals for the parish of Orleans, state divided into two districts called circuits; boundaries specifically set forth in constitution. (La. 100.)
Legislature to divide state into compact territory; bounded by county lines; until altered by law, circuits in which the circuit courts are now held to constitute the appellate districts; legislature may alter number of districts or alter boundaries, but change not to abridge term of judge then in office. (Ohio IV 6.)

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COURTS (*Cont'd*)

INTERMEDIATE COURTS OF APPEAL (*Cont'd*)

Judicial Districts (*Cont'd*)

Legislature to divide state into four departments; first to consist of county of New York; others bounded by county lines, compact and of equal population as nearly as may be; once every 10 years legislature may alter the judicial departments but without increasing the number thereof. (N.Y. VI 2.)

Three; boundaries especially designated in constitution; by order entered in minutes highest court may remove one or more counties from one district to another; no county not contiguous to another district added to such district. (Cal. VI 4.)

Jurisdiction

General Provisions

Appellate jurisdiction only, except as provided in constitution. (La. 98.)

Jurisdiction now exercised by general trial court at its general terms and by general terms of the court of common pleas for the city and county of New York, the superior court of city of New York, the superior court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by legislature. (N.Y. VI 2.)

Civil and probate, of which civil district court of the parish of Orleans or the general trial courts throughout the state have exclusive original jurisdiction and of which highest court is not given jurisdiction, matter in dispute or fund to be distributed not to exceed $2,000 exclusive of interest; both law and facts reviewable. (La. 98.)

Appellate

Criminal cases prosecuted by indictment or information in court of record except where judgment of death rendered; on questions of law alone in all. (Cal. VI 4.)

Election cases. (Cal. VI 4.)

Eminent domain. (Cal. VI 4.)

Equity. (Ohio IV 6.)

Forcible and unlawful entry and detainer, except such as arise in justices' courts. (Cal. VI 4.)

From general trial courts and other courts as provided by law. (Ill. VI 11.)

From general trial courts and superior courts and other courts of record within the district, as may be provided by law. (Ohio IV 6.)

From general trial courts; cases that may be brought by writ of error. (N.J. VI Sec. V 3.)

From general trial courts in all cases in law; demand exclusive of interest or value of property in controversy amounts to $300 and does not amount to $2,000. (Cal. VI 4.)

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COURTS (*Cont'd*)
INTERMEDIATE COURTS OF APPEAL (*Cont'd*)
Jurisdiction (*Cont'd*)
Appellate (*Cont'd*)
From general trial courts in cases at law and in equity where jurisdiction is not conferred by constitution on highest court. (Ga. VI Sec. II 5.)
From municipal courts of Atlanta and Savannah and such other like courts as have been or may be established in other cities in cases at law and in equity and other cases prescribed by law. (Ga. VI Sec. II 5.)
Insolvency. (Cal. VI 4.)
Nuisance; actions to prevent or abate. (Cal. VI 4.)
Special proceedings as may be provided by law except cases in which appellate jurisdiction is given to highest court. (Cal. VI 4.)
Usurpation of office. (Cal. VI 4.)
Writs, See below, this subdivision, WRITS.
Kansas City Court of Appeals
For explanation of the Missouri system of intermediate courts of appeal, See below, this subdivision, ST. LOUIS COURT OF APPEALS.
Judges
Three elected by qualified voters of district; compensation $3,500 per annum, to be paid at stated times out of state treasury. (Mo. VI (Amend. 1884) 2, 10.)
To be residents of the territorial appellate district. (Mo. VI (Amend. 1884) 2.)
Judicial Districts
Legislature may change boundaries; designating districts by numbers or otherwise. (Mo. VI (Amend. 1884) 3.)
Jurisdiction
Same as St. Louis court of appeals; coextensive with all counties of state not included in St. Louis court of appeals (subsequently by section 3926, revised statutes, Springfield court of appeals was created and lines of districts changed by section 3928, R. S.). (Mo. VI (Amend. 1884) 2, 4.)
Time and Place of Holding
In Kansas City, one term on the first Monday of March and one on the first Monday of October. (Mo. VI (Amend. 1884) 2, 9.)
Name
Appellate courts. (Ill. VI 11.)
Appellate division of the supreme court. (N.Y. VI 2.)
Court of appeals. (Ga. VI Sec. II 9; La. 98; Ohio IV 6.)
Supreme court. (N.J. VI Sec. V 1.)
Non-Judicial Duties
No duties to be attached, except such as are judicial, except such provided in constitution. (La. 96.)

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COURTS (*Cont'd*)

INTERMEDIATE COURTS OF APPEAL (*Cont'd*)

Procedure

Highest court to make rules and regulate procedure. (Cal. VI. 4.)

Rules of practice regulating appeals to and proceedings in highest court shall apply so far as applicable until otherwise provided. (Cal. VI 4; La. 104.)

Same as highest court except as otherwise provided in constitution (apparently no other provision) and until otherwise provided by law so far as applicable. (Ga. VI Sec. II 5.)

All cases tried on the original records, pleadings and evidence. (La. 103.)

Time and place for return, until otherwise provided by law, to be fixed by court. (La. 100.)

Writs of error when received by clerk during term of court and before docket of term is, by order of court, closed, to be entered thereon, and when received at any other time to be entered on docket of next term, and stand for hearing at term for which so entered, under such rules as court may prescribe until otherwise provided by law. (Ga. VI Sec. II 5.)

Quarters

County commissioners of county to make provision. (Ohio IV 6.)

The police juries of the various parishes of the state in which sessions of court are held shall provide suitable rooms for holding said courts so as not to interfere with sessions of general trial and other courts. (La. 106.)

Quorum

All three judges necessary for transaction of business, except that done at chambers. (Cal. VI 4.)

Four (out of seven in one department and out of five in other three). (N.Y. VI 2.)

Two while court consists of three. (Ga. VI Sec. II 3.)

Reporter

Appointed and removed from office by court. (N.Y. VI 2.)

Reporter of highest court to act. (Ga. VI Sec. II 5.)

St. Louis Court of Appeals

(In Missouri three intermediate courts of appeal, St. Louis court of appeal, Kansas City court of appeal and Springfield court of appeal. The first two established by the constitution, the third established by the legislature with constitutional consent. Legislature may change the boundaries and names of all three courts, See MISSOURI VI (Amend. 1884) 3.)

Clerks

Clerk of highest court acts. (Mo. VI 18.)

Decisions

Opinions in writing; filed with and become part of record. (Mo. VI 15.)

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COURTS (*Cont'd*)
INTERMEDIATE COURTS OF APPEAL (*Cont'd*)
St. Louis Court of Appeals (*Cont'd*)
Decisions (*Cont'd*)
If equally divided in opinion, no judgment entered; parties to cause may agree upon person learned in law as special judge to sit with court and give decision as one of judges; if parties cannot agree upon special judge, court to appoint. (Mo. VI 11.)
Chief Justice
Judge having the oldest license to practice law in state to preside. (Mo. VI 16.)
Judges
To consist of three judges elected by qualified voters of district who shall hold office for 12 years. Judges to be residents of district and to possess same qualifications as judges of highest court. To receive same compensation as provided for judges of circuit court of St. Louis county and paid from same sources. Compensation not to be increased nor diminished during term for which elected. Each county to pay proportional part of same, according to its taxable property.
Judges to be conservators of peace throughout district. At first general election held in district after adoption of constitution, three judges to be elected who shall determine by lot which shall serve four, eight and 12 years and certify result to secretary of state. Every four years thereafter one judge to be elected. Term of office to begin on first Monday in January next ensuing election. (Mo. VI 13, 14, 16, 33.)
Jurisdiction
To have exclusive jurisdiction of all appeals from and writs of error to circuit courts of St. Louis, Lincoln and Warren counties and circuit court of St. Louis county in special term and from all courts of record having criminal jurisdiction in said counties. (Mo. VI 27.)
To have superintending control over all inferior courts of record in counties of district. (Mo. VI 12.)
Coextensive with city of St. Louis and counties of St. Louis, St. Charles, Lincoln and Warren. (Mo. VI 12.)
Legislative Power Over
To change boundary, name, pecuniary limits of jurisdiction and time of holding; to create another court (this has been done). (Mo. VI (Amend. 1884) 3.)
Procedure
Laws relating to practice of highest court to apply so far as applicable. (Mo. VI 15.)
Cases to be heard at expiration of 15 days from filing of transcript in office of clerk. (Mo. VI 20.)

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COURTS (*Cont'd*)

INTERMEDIATE COURTS OF APPEAL (*Cont'd*)

St. Louis Court of Appeals (*Cont'd*)

Quorum

Two (out of three). (Mo. VI 14.)

Time and Place of Holding

Two terms at St. Louis; beginning on first Monday of March and October. (Mo. VI 14.)

Writs

May issue writs of habeas corpus, quo warranto, mandamus, certiorari and other original remedial writs, and hear and determine the same. (Mo. VI 12.)

Special Organization for Baltimore

Detailed provisions. (Md. IV 27 *et seq.*)

Terms

At times and places prescribed by law. (Ill. VI 11.)

At least one in each year in each county and district and such other terms at county seat in district as judges may determine. (Ohio IV 6.)

Courts to be in session at places specifically designated in constitution until cases before them are heard. (La. 100.)

Court always open; first district, San Francisco; second, Los Angeles; third, Sacramento. (Cal. VI 4.)

Laws relating to time of sitting of highest court apply so far as possible until otherwise provided by law; to sit at seat of government and other places that may be prescribed by law. (Ga. VI Sec. II 5.)

Justices in each department may fix times and places for holding special terms, and assign justices in the departments to hold such terms; or may make rules therefor. (N.Y. VI 2.)

Transfer of Cases

See also below, this title, TRIALS — CHANGE OF VENUE.

Highest court may order cases transferred from one intermediate court of appeals to another; order to be made before judgment or within 30 days after judgment. (Cal. VI 4.)

Legislature may provide for transfer from one court to another, or to highest court. (Mo. VI (Amend. 1884) 3.)

When one department unable to dispose of business within reasonable time, majority of presiding judges of the several departments at meeting called by presiding judge of the department in arrear, may transfer pending appeals from such department to any other department for hearing and determination. (N.Y. VI 2.)

No appeal to be dismissed for reason only that the same was not taken to the proper court but case transferred to proper court upon such terms as to costs or otherwise as may be just and shall be proceeded therein as if regularly appealed. (Cal. VI 4.)

To highest court, *See above, this title,* HIGHEST COURT — JURISDICTION — APPELLATE.

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COURTS (*Cont'd*)

INTERMEDIATE COURTS OF APPEAL (*Cont'd*)

Writs

Power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. (Cal. VI 4.)

Shall have authority to issue writs of mandamus, prohibition and certiorari in aid of their appellate jurisdiction. (La. 105.)

Shall have power to issue writs of habeas corpus at instance of any person in actual custody within their respective circuits. (La. 104.)

Shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and procedendo. (Ohio IV 6.)

For power of judges, See above, this subdivision, JUDGES —WRITS.

INTERMEDIATE COURTS OF APPEAL FOR CIVIL CASES ONLY

Clerks

Appointed by court in same manner as clerk of highest court; compensation as prescribed by law. (Tex. V 6.)

Establishment, *See above, this title,* ESTABLISHMENT.

Judges

Compensation

$3,500 per annum until otherwise provided by law. (Tex. V 6.)

Disqualified to Sit in Particular Cases

Court to certify fact to governor who shall immediately commission requisite number of persons learned in law for trial and determination of such case. (Tex. V 11.)

How Selected

Elected by qualified voters of their respective districts at general election. (Tex. V 6.)

Impeachment

To be tried by senate. (Tex. XV 2.)

Number

Three, a chief justice and two associates, in each of the two or three judicial districts. (Tex. V 6.)

Qualifications

As prescribed for judges of highest court (30 years; citizen of United States and state; practicing lawyer or judge seven years). (Tex. V 6.)

Removal from Office

By governor on address of two-thirds of each house of legislature for wilful neglect of duty, incompetency, habitual drunkenness, oppression in office or other reasonable cause which shall not be sufficient ground for impeachment; causes of such a removal stated at length in address entered on journals; judge to be notified and admitted to a hearing in his own defense before any vote for such address shall pass; in all cases vote taken by yeas and nays and entered on journals of each house. (Tex. XV 8.)

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COURTS (*Cont'd*)

INTERMEDIATE COURTS OF APPEAL FOR CIVIL CASES ONLY (*Cont'd*)

Judges (*Cont'd*)

Term of Office

Six years; terms end at different times. (Tex. V 6.)

Vacancies

Filled by appointment of governor until next succeeding general election. (Tex. V 28.)

Judicial Districts

Legislature to divide state into not less than two nor more than three, as increase of population and business may require; one court in each district. (Tex. V 6.)

Jurisdiction

Appellate

Civil, of which the general trial court or county courts have original or appellate jurisdiction under such restrictions and regulations as may be provided by law. (Tex. V 6.)

From county courts in civil cases. (Tex. V 16.)

Decisions of county courts and general trial courts to be conclusive on all questions of fact brought before them on appeal or error. (Tex. V 6.)

Original

As prescribed by law. (Tex. V 6.)

Time and Place of Holding

As prescribed by law. (Tex. V 6.)

INTERMEDIATE COURTS OF APPEAL FOR CRIMINAL CASES ONLY

Clerks

How Selected

One appointed by court for each place where it may sit, for term of four years; to give bond as prescribed by law; removed by court for good cause; entered of record on minutes. (Tex. V 5.)

Decisions

Two out of three necessary to render. (Tex. V 4.)

Establishment, *See above, this title,* ESTABLISHMENT.

Judges

Compensation

Same as judges of highest court ($4,000 per annum until otherwise provided by law). (Tex. V 4.)

Disqualified to Sit in Particular Cases

Court to certify fact to governor who shall immediately commission requisite number of persons learned in law for trial and determination of such case. (Tex. V 11.)

How Selected

Elected by qualified voters of the state at general election. (Tex. V 4.)

Impeachment

To be tried by senate. (Tex. XV 2.)

Number

Three. (Tex. V 3.)

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COURTS (*Cont'd*)

INTERMEDIATE COURTS OF APPEAL FOR CRIMINAL CASES ONLY (*Cont'd*)

Judges (*Cont'd*)

Qualifications

Same as that of judges of highest court (citizen of United States and state; 30 years; practicing lawyer or judge seven years). (Tex. V 4.)

Term of Office

Six years, terms to end at different times. (Tex. V 4.)

Vacancies

Filled by appointment of governor until next succeeding general election; successor elected for unexpired term. (Tex. V 4.)

Jurisdiction

Appellate

Criminal cases of whatever grade with such exceptions and under such regulations as may be prescribed by law. (Tex. V 5.)

From county courts. (Tex. V 16.)

From general trial courts for criminal cases only when such court is established. (Tex. V 16.)

General Provisions

To have power upon affidavits or otherwise to ascertain such matters of fact as may be necessary to the exercise of jurisdiction. (Tex. V 5.)

Territorial Extent

Coextensive with state. (Tex. V 5.)

Quorum

Two (out of three). (Tex. V 4.)

Time and Place of Holding

Shall sit for the transaction of business from the first Monday in October until the last Saturday of June in each year at state capitol and two other places, or capital city if legislature so provide. (Tex. V 5.)

Writs

Court and judges may issue writs of habeas corpus and, under regulations prescribed by law, issue writs necessary to enforce own jurisdiction. (Tex. V 5.)

JUDGES

See also below, this title, JUDICIAL OFFICERS.

Of a particular court, See throughout this title.

In Delaware, See also above, this title, ASSOCIATE JUDGES OF STATE.

Ad Litem Appointees

Legislature may by general laws make provision that special judges may be appointed to hold any court judge of which is unable or fails to sit, or to hear cause in which judge incompetent. (Tenn. VI 11.)

If any or all judges disqualified or otherwise prevented from presiding, court or justices to certify fact to governor; governor shall commission specially, requisite number of men learned in the law for trial of cause. (S.C. V 6.)

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COURTS (*Cont'd*)

JUDGES (*Cont'd*)

Ad Litem Appointees (*Cont'd*)

Disqualification of judge of inferior tribunal to be remedied as prescribed by law. (Tex. V 11.)

For change of venue when judges disqualified, See below, this title, TRIALS.

Commissions

Shall be commissioned by governor. (Va. VI 102; W.Va. VIII 16.)

Compensation

Amount

As provided by law. (Ore. VII 1; Tenn. VI 7.)

As provided by law; consistent with constitution. (Va. VI 102.)

Judges of courts of record, except probate courts, to receive compensation at stated times. (Ala. VI 150.)

Judges of courts of record receiving a salary to receive, at stated times, compensation prescribed by law. (Mo. VI 33.)

Judges required to be learned in the law; to receive adequate compensation fixed by law. (Pa. V 18.)

Increase or Decrease

Prohibited during term for which elected. (Tenn. VI 7; Va. VI 102.)

Prohibited during term for which elected, in case of judges of courts of record receiving a salary. (Mo. VI 33.)

Decrease prohibited during term for which elected. (Ariz. VI 24; Ore. VII 1.)

Decrease during official term prohibited, in case of judges of courts of record, except probate courts. (Ala. VI 150.)

Decrease of salary prohibited during continuance in office. (N.C. IV 18.)

No judge to be affected in his salary during period for which elected or appointed. Legislation so affecting judge or court to take effect only at end of term of office, but this provision not to affect provisions of constitution relative to impeachment or removal. (La. 114.)

Fees and Perquisites

Fees and perquisites prohibited. (Tenn. VI 7.)

No fees, perquisites, commissions or reward to be allowed besides annual salary, for discharge of official duty. (Md. IV 6, D.R. 33.)

Fees and perquisites prohibited, in case of judges of courts of record, except probate courts. (Ala. VI 150.)

Judges required to be learned in the law; not to receive compensation, fee or perquisite, other than salary, from any source. (Pa. V 18.)

No common carrier, under heavy penalty to be fixed by assembly, shall give free passes or reduced rates to any judge, and judge accepting free passes or reduced rates not common to public shall forfeit his office. (Ky. 197.)

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COURTS (*Cont'd*)
JUDGES (*Cont'd*)
Compensation (*Cont'd*)
How Payable
By state in case of judges required to be learned in the law. (Pa. V 18.)
Legislature shall impose a tax on civil suits commenced in municipal, inferior or circuit courts, which shall constitute a fund to be applied toward the payment of judges' salaries. (Wis. VII 18.)
Legislature to provide by law that upon institution of each civil action and other proceedings and upon perfecting each appeal in civil action or proceeding in courts of record, a special fee be paid to clerk of court; to be accounted for by clerk and to constitute fund toward payment of compensation of judges, as directed by law. (Nev. VI 16.)
Retired Judges
Legislature to provide by proper appropriation for salaries of retired judges in same manner as it provides for other judicial expenses. (La. 86.)
Conservator of Peace
To be throughout state. (Del. XV 1; La. 90; Md. IV 6; Okla. VII 19; S.C. V 11; Tex. V 12.)
Dual Office Holding
Ineligible to legislature. (Ark. V 7; Ill. IV 3; Me. IX 2; Mass. Amend. VIII; N.D. II 37.)
Ineligible to legislature during term for which elected. (Tex. III 19.)
Not to be entitled to seat in legislature and upon election and taking, office of judge to be vacant. (N.J. IV Sec. V 3; Va. IV 44.)
Not to hold office of governor, have seat in legislature or council, and being chosen and appointed to and accepting office of judge shall operate as a resignation from governorship, legislature or council. (N.H. II 94.)
Ineligible to legislature (not applicable to justices of peace). Not to hold any office of trust or profit under state or United States. (Tenn. II 26, VI 7.)
Not to hold any office, civil or military or political trust, or employment of any kind whatever, under constitution or laws of state, or of United States, or any of them. (Md. D.R. 33.)
Not to hold any office of trust or profit under state or any other government; acceptance of vacates office; during continuance in office not eligible to any political office. (W.Va. VIII 16.)
All judges required to be learned in law not to hold any other office of profit under United States, this state or any other state. (Pa. V 18.)
No judge after election and engagement to accept any appointment under any other government; acceptance to vacate office,

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COURTS (*Cont'd*)

JUDGES (*Cont'd*)

Dual Office Holding (*Cont'd*)

not to apply to any person appointed to take depositions or acknowledgment of deeds, or other legal instruments, by authority of any other state or country. (R.I. IX 6.)

Judges of courts of record except probate courts not to hold any office, except judicial offices, of profit or trust under state or United States, or any other government, during time for which elected or appointed. (Ala. VI 150.)

Not to hold office in legislature. (N.D. II 37.)

Not to hold office of attorney-general, county attorney, treasurer of state, adjutant-general, judge of probate, register of probate, register of deeds, sheriff or deputy, clerk of judicial court. If seat in Congress of United States is accepted, office is vacated. (Me. IX 2.)

Not to hold office of governor, lieutenant-governor or councillor (except judge of court of sessions); shall not continue to hold office after election to Congress of United States and accepting that trust; acceptance of trust deemed and taken to be a resignation of office. (Mass. Amend. VIII.)

Election

As to whether elected or appointed, See below, this subdivision, HOW SELECTED.

At general election on Tuesday after the first Monday in November and in city of Baltimore, fourth Wednesday of October. (Md. IV 5.)

All judges elected by electors of state at large, may be elected at either general or municipal election as circumstances may require. (Pa. VIII 3.)

Until otherwise provided by law, shall be held and the poll books returned as is provided for governor, abstract certified to secretary of state, shall be by him opened in presence of governor, who shall declare result and issue commissions to persons elected. (Ohio Sched. 15.)

No election at any general election for state or county officers, or within 30 days before or after. (Wis. VII 9.)

Legislature may provide for election of all judges of general or appellate jurisdiction by an election to be held for such officers only. (Ind. II 14.)

Judges of courts of record elected as provided by law; in case of tie or contest determination as provided by law. (Mo. VI 30.)

How Selected

Elected by qualified voters of state or their respective districts. (Ore. VII 1.)

Judges of inferior courts established by legislature appointed by governor with consent of majority of all members elected to senate. (Del. IV 32.)

Elected by qualified voters of district. (Md. IV 5.)

All judges other than those provided for in constitution elected by qualified voters of district. (Minn. VI 9; Ohio IV 10.)

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COURTS (*Cont'd*)
JUDGES (*Cont'd*)
How Selected (*Cont'd*)
Judges of inferior courts elected by qualified voters of district or circuit. (Tenn. VI 4.)
Judges of inferior courts elected by qualified electors of jurisdiction. (Wis. VII 2.)
Judges of inferior courts established by law elected as provided by law. (N.C. IV 30.)
Judges of inferior courts established by law to be elected or appointed as provided by law. (Ala. VI 153.)
Judges required to be learned in law (except judges of highest court) elected by qualified electors of districts over which they are to preside. (Pa. V 15.)
District court justices may be elected in cities in manner and with power prescribed by law. (N.Y. VI 17.)
Impeachment, *See* IMPEACHMENT.
Number
Not more than five members of court, inferior to highest court, established by legislature. (Ala. VI 139.)
Of judges of inferior courts to be prescribed by law. (Cal. VI 11.)
Change by legislature in number of judges not to work removal of any judge. (Ariz. VI 24.)
Oath of Office
Take and subscribe form prescribed; affirmation allowed. (Mass. Pt. II Ch. VI 2; Miss. VI 155.)
To be bound by oath or affirmation to support constitution of United States. (R.I. IX 4.)
Additional to that taken by officers generally; must take oath not to receive profits of any other office during term of acting as judge. (Md. I 6.)
Power of Appointment
None except as provided in constitution. (W.Va. VI 40.)
No person related to any judge by affinity or consanguinity within degree of first cousin to be appointed or employed by judge or court in any office or duty in any court of which said judge a member. (Utah VIII 15.)
Powers at Chambers
Those prescribed by law. (Ohio IV 18.)
As provided by law in case of judges of courts of record. (Kan. III 16; Nebr. VI 23.)
Prohibited from Presiding
Either party connected with him by consanguinity or affinity, except by consent of both parties. (Miss. VI 165.)
Either party connected with him by consanguinity or affinity within degree of first cousin. (N.M. VI 18.)
Either party connected with him by consanguinity or affinity within degree prescribed by law. (Ark. VII 20; Md. IV 7; S.D. V 6; Tenn. VI 11; Tex. V 11.)

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COURTS (*Cont'd*)

JUDGES (*Cont'd*)

Prohibited from Presiding (*Cont'd*)

Has been counsel in case. (Ark. VII 20; Md. IV 7; N.M. VI 18.) S.C. V 6; Tenn. VI 11; Tex. V 11.)

Has presided in case in inferior court. (Ark. VII 20; N.M. VI 18; S.C. V 6; Tenn. VI 11.)

Interested in case. (Ark. VII 20; Md. IV 7; N.M. VI 18; S.C. V 6; Tenn. VI 11; Tex. V 11.)

Validity of bond, federal, state, corporation or municipality is involved, judge holds in his own right, or as representative of others, any material interest in the class of bonds upon which the question to be decided arises. (Ga. VI Sec. II 3.)

Disqualified judge may preside with consent of all parties. (Tenn. VI 11.)

Ad litem appointees, *See above, this subdivision,* AD LITEM APPOINTEES.

Prohibitions on Practice of Law

Shall not practice profession of law. (W.Va. VIII 16.)

Shall not act as attorney or be of counsel or originate any civil suit in matters which shall come or be brought before him as judge. (N.H. II 78.)

Judges of courts of record not to practice in any court of state or United States. (Ala. VI 162.)

Judges of courts of record not to practice in any court in state during continuance in office. (Ariz. VI 12; Cal. VI 22; Wash. IV 19.)

Qualifications

Age

At least 30 years of age at beginning of term of service. (W.Va. IV 4.)

At least 30 years of age at time of election or appointment. (Md. IV 2.)

Thirty years for judges of inferior courts. (Tenn. VI 4.)

Twenty-five years for judges of courts of record. (Ala. VI 154.)

Attorney

Admitted to practice in state. (Md. IV 2.)

Whenever constitution requires a previous practice for term of years, there shall be included in such term the time the judge occupied the bench of any court of record in this state, provided he shall be a licensed attorney five years before election or appointment. (La. 113.)

Character

To be selected from those most distinguished for integrity. (Md. IV 2.)

Citizenship

Citizen of state. (Md. IV 2.)

Citizen of state for five years next preceding election or appointment. (W.Va. IV 4.)

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COURTS (*Cont'd*)
JUDGES (*Cont'd*)
Qualifications (*Cont'd*)
Citizenship (*Cont'd*)
Citizen of United States and of state for five years preceding election or appointment, in case of judges of courts of record. (Ala. VI 154.)
Educational
To be selected from those who are most distinguished for wisdom and sound legal knowledge. (Md. IV 2.)
Learned in the law, in case of judges of courts of record, except judges of probate. (Ala. VI 154.)
Electoral
Qualified voters. (Md. IV 2.)
Political
No more than three or five law judges of state in office at same time shall have been appointed from same political party. (Del. IV 3.)
Residence
In state five years, and six months next preceding their election or appointment in district. (Md. IV 2.)
Judges of inferior courts, before election five years in state and one year in circuit or district. (Tenn. VI 4.)
Re-election
Re-eligible at end of term if not 70 years old. (Md. IV 3.)
Removal
Grounds
Not to be removed, except for causes provided in constitution. (Md. D.R. 33.)
Age, disease, mental or bodily infirmity or intemperance, making them incapable of discharging duties. (W.Va. VIII 17.)
Cause. (Ill. VI 30; Ohio IV 17.)
Conviction of corruption or other high crime. (Ind. VII 12.)
Conviction in court of law of incompetency, wilful neglect of duties, misbehavior in office or any other crime. (Md. IV 4.)
Inability to discharge duties with efficiency by reason of continued sickness or physical or mental infirmity. (Md. IV 3.)
Mental or physical disability. (Va. VI 104.)
Reasonable cause not sufficient for impeachment. (Mich. IX 6; Miss. IV 53.)
Reasonable cause not sufficient ground for impeachment, in case of judges required to be learned in the law, except judges of highest court. (Pa. V 15.)
Incompetency, corruption, malfeasance or delinquency in office, other sufficient cause, in case of judges of courts of record. (Wash. IV 9.)

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COURTS (*Cont'd*)
JUDGES (*Cont'd*)
Removal (*Cont'd*)
Grounds (*Cont'd*)
Inability to discharge duties of office with efficiency by reason of continued sickness or physical or mental infirmity, in case of judges of courts of record. (Mo. VI 41.)
High crimes and misdemeanors, non-feasance or malfeasance in office, incompetency, corruption, favoritism, extortion or oppression in office, gross misconduct or habitual drunkenness, in case of judges of inferior courts. (La. 222, 217.)
Cause, in case of judges of inferior courts not of record. (N.Y. VI 17.)
Method
Impeachment, *See* IMPEACHMENT.
Not to be removed except in manner provided in constitution. (Md. D.R. 33.)
By governor, on conviction in court. (Md. IV 4.)
By governor upon address of legislature. (Md. IV 4; Mich. IX 6; Miss. IV 53; N.H. II 72.)
By governor on address of legislature, in case of judges required to be learned in the law, except judges of highest court. (Pa. V 15.)
By legislature. (Ill. VI 30; Ohio IV 17; Tenn. VI 6; Utah VIII 11; Va. VI 104; W.Va. VIII 17.)
By legislature in case of judges of courts of record. (Wash. IV 9.)
By legislature, with approval of governor, if judge unable to perform duties. (Md. IV 3.)
By legislature, with approval of governor, in case of judges of courts of record. (Mo. VI 41.)
On information in name of state, by highest court, or in other manner prescribed by law. (Ind. VII 12.)
By general trial court of domicile, in case of judges of inferior courts. (La. 222.)
By such courts as may be prescribed by law, in case of judges of inferior courts not of record. (N.Y. VI 17.)
Vote Required
Three-fourths of members elected to each house. (Ill. VI 30.)
Three-fourths of members elected to each house in case of judges of courts of record. (Wash. IV 9.)
Two-thirds of members elected to each house. (Md. IV 3; Tenn. VI 6; Utah VIII 11; Va. VI 104; W.Va. VIII 17.)
Two-thirds of each house. (Md. IV 4; Mich. IX 6; Miss. IV 53; Ohio IV 17.)
Two-thirds of each house in case of judges required to be learned in the law. (Pa. V 15.)
Two-thirds of members of each house, in case of judges of courts of record. (Mo. VI 41.)

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COURTS (*Cont'd*)
JUDGES (*Cont'd*)
Removal (*Cont'd*)
Formalities
Notice to be given. (Md. IV 4; Miss. IV 53; Mo. VI 41; N. Y. VI 17; Ohio IV 17.)
Incumbent to have notice and copy of complaint at least 10 days before day on which either house shall act. (Tenn. VI 6; Utah VIII 11.)
Incumbent to be served with copy of complaint at least 20 days before day on which either house acts. (Va. VI 104; W.Va. VIII 17.)
Incumbent to be served with copy of charges. (Wash. IV 9.)
Incumbent to have opportunity to be heard. (Md. IV 4; N.Y. VI 17; Ohio IV 17; Wash. IV 9.)
Incumbent to have opportunity to be heard in person or by counsel. (Miss. IV 53.)
Incumbent to have right to be heard in his defense in manner prescribed by law. (Mo. VI 41.)
Yeas and nays entered on journals. (Tenn. VI 6; Utah VIII 11; Wash. IV 9.)
Causes entered on journals. (Ill. VI 30; Miss. IV 53; Mo. VI 41; Ohio IV 17; Tenn. VI 6; Utah VIII 11; Va. VI 104; W.Va. VIII 17.)
Causes entered at length on journals. (Mich. IX 6.)
Causes stated in resolution and resolution entered at length on journals. (Wash. IV 9.)
Suit instituted by district attorney, on own motion or on written request and information of 25 resident citizens and taxpayers. Defendant, the state, citizens and taxpayers on whose information and at whose request such suits brought, may appeal both on law and facts from judgment of court to intermediate court of appeals. In case of acquittal, judgment rendered jointly and *in solido* against citizens signing request for all costs of suit. Appeals returnable within 10 days and may be transferred to another parish within circuit and to have preference over all other cases. If district attorney or attorney-general fails to institute and prosecute suit, citizens and taxpayers making request may mandamus him. Pendency of suits not to operate as suspension of defendant from office. (La. 222.)
Residence
Whenever a judge shall remove beyond the limits of jurisdiction for which elected to be deemed to have vacated his office. (Mich. VII 19.)
Judges, other than of highest court, to reside, during continuance in office, within districts for which elected. (Pa. V 19.)

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COURTS (*Cont'd*)

JUDGES (*Cont'd*)

Retirement on Account of Age

On reaching 70. (Conn. V 3; N.H. II 77.)

On the last day of December next after reaching 70 years. (N.Y. VI 12.)

On reaching 70; unless legislature see fit to continue him for rest of his term. (Md. IV 3.)

Term of Office

During good behavior. (Mass. Pt. I 29; N.H. II 72.)

Those not provided for in constitution, no longer than five years. (Ohio IV 10.)

Six years. (Ore. VII 1.)

Those not provided for in constitution, no longer than seven years. (Minn. VI 9.)

Judges of inferior courts, eight years. (Tenn. VI 4.)

Not to exceed eight years in case of judges of inferior courts established by legislature. (N.C. IV 30.)

Ten years if behavior is good, in case of judges required to be learned in the law (except judges of highest court). (Pa. V 15.)

Fifteen years from time of election and until successors elected and qualified. (Md. IV 3.)

As fixed by law, in case of judges of courts established by legislature. (Del. IV 32.)

Of judges of inferior courts not to be longer than that of judges of general trial court. (Wis. VII 2.)

District court justices elected in cities for terms prescribed by law. (N.Y. VI 17.)

Begins 1st day of February after election. (Va. VI 102.)

Begins first Monday of January after election, in case of judges of courts of record. (Mich. XVI 1.)

No judge to be affected in his term of office during period for which elected or appointed. Legislation so affecting judge or court to take effect only at end of term of office, but this provision not to affect provisions of constitution relative to impeachment or removal. (La. 114.)

Vacancies

Filled by appointment or election for unexpired term. (Fla. V 33.)

Filled by election, but where the unexpired term does not exceed one year, by appointment. (Ill. VI 32.)

Filled by governor until successor be elected and qualified. (Ind. V 18; Ore. V 16.)

Filled by governor until successor elected; successor elected at election for members of legislature for unexpired term. (Md. IV 5.)

Filled by governor, in case of judges of courts of record, until successor elected and qualified; successor to hold residue of unexpired term. (Mich. VII 20.)

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COURTS (*Cont'd*)
JUDGES (*Cont'd*)
Vacancies (*Cont'd*)
Filled by governor until successor elected; successor elected at first annual election which occurs more than 30 days after the vacancy. (Minn. VI 10.)
Filled as provided by law, in case of judges of courts of record. (Mo. VI 32.)
Filled by governor until successor elected and qualified; such election at first annual election that occurs more than 30 days after vacancy, for unexpired term. (Ohio IV 13.)
Filled by governor, in case of judges of courts of record, until first Monday of January next succeeding first general election occurring three or more months after vacancy. (Pa. V 25.)
Filled by elections as "herein prescribed"; appointment by governor if unexpired term does not exceed one year; successor serves for unexpired term. (S.C. V 11.)
Filled as provided by law, in case of judges of inferior courts. (Tex. V 11.)
Filled by legislature for unexpired term. (Va. VI 102, 103.)
Writs
Judges of inferior courts of law or equity may in civil cases issue writs of certiorari to remove any cause or transcript of record from any inferior jurisdiction into such "court of law" on sufficient cause, supported by oath or affirmation. (Tenn. VI 10.)
JUDGMENTS
See also above, this title, DECISIONS.
Of a particular class of courts, See throughout this title.
Force and effect in case of all courts of same class or grade, so far as regulated by law, to be uniform. (Colo. VI 28; Ida. V 26; Ill. VI 29; Nebr. VI 19; Pa. V 26; S.D. V 34.)
Same; except city courts; uniformity must be established by legislature. (Ga. VI Sec. IX 1.)
Methods for enforcing not to be provided or changed by private, local or special law. (La. 48; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56; Va. IV 63.)
Not to be confessed by any document under private signature executed prior to maturity of obligation sued on. (La. 91.)
JUDICIAL OFFICERS
Provisions in the constitution relating to judicial officers are of three kinds: first, those which relate to all judicial officers; second, those which relate to officers of specifically designated courts or courts of a particular class; third, those which relate to particular classes of judicial officers (e. g., Judges) without any specific designation of the courts with which they are connected. Provisions falling under the first head are collected under this subhead; provisions falling under the second and third heads will be found throughout this title. For provisions relating to all public officers, and hence to judicial officers, See PUBLIC OFFICERS.

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COURTS (*Cont'd*)

JUDICIAL OFFICERS (*Cont'd*)

Absence

From state for more than 60 consecutive days; forfeiture of office. (Ariz. VI 8; Cal. VI 9; Mont. VIII 37; Wash. IV 8.)

From state for more than 90 consecutive days; forfeiture of office. (Nev. VI 17.)

From city or district for more than 90 consecutive days; forfeiture of office. (Utah VIII 27.)

In case of extreme necessity governor may extend leave. (Ariz. VI 8; Utah VIII 27; Wash. IV 8.)

Legislature no power to grant leave of absence. (Cal. VI 9; Nev. VI 17.)

Bribery, *See* PUBLIC OFFICERS — BRIBERY.

Commissions

To be commissioned by governor. (Ark. VIII 48; Ill. VI 29.)

Compensation

Fees or perquisites of office not to be received to own use by judicial officers except justice of peace. (N.Y. VI 20.)

Fees or perquisites not to be received to own use by judicial officer except justices of peace and city recorders. (Nev. VI 10.)

Fees or perquisites of office not to be received to own use by judicial officers, except court commissioners. (Cal. VI 15.)

Fees or perquisites of office not to be received to own use by judicial officers, except court commissioners and unsalaried justices of peace. (Wash. IV 13.)

Conservators of Peace

Shall be. (Fla. V 36.)

Shall be such in their respective jurisdiction. (Ala. VI 157; Ind. VII 15.)

Dual Office Holding

Ineligible for any office of trust or profit under state except judicial, during term for which elected. (Ind. VII 16.)

Pedsons holding office of trust or profit under authority of Congress, ineligible. (Vt. II 50.)

Free Passes, etc., *See* PUBLIC OFFICERS.

How Selected

Appointed by governor with advice and counsel of council, except judges and registers of probate; nomination made seven days prior to appointment. (Me. V Pt. I 8, VI 7.)

Appointed by governor with advice and consent of council; nomination made by governor at least seven days prior to appointment. (Mass. Pt. II Ch. II Sec. I 9.)

Appointed by governor and council; nomination made at least three days prior to appointment and no appointment to take place unless majority of council agrees. Governor and council to have negative on each other both in nomination and appointment, every nomination and appointment to be signed by governor and council and every negative to be signed by

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COURTS (*Cont'd*)
JUDICIAL OFFICERS (*Cont'd*)
How Selected (*Cont'd*)
"the governor or council who made the same". (N.H. II 45, 46.)
Unless otherwise provided in the constitution, to be elected or appointed at such times and in such manner as prescribed by law. (N.Y. VI 18.)
In cities, where election or appointment not otherwise provided for in judicial article, to be chosen by electors, or appointed by local authority. (N.Y. VI 17.)
Impeachment, *See* IMPEACHMENT.
Oath of Office
Form set forth; affirmation allowed. (Ala. XVI 279; Ark. XIX 20; Conn. X 1; Mass. Pt. II Ch. VI 2; Mont. XIX 1; Nebr. XIV 1; Okla. XV 1; Pa. VII 1; Vt. II 52; Va. II 34.)
Form set forth; affirmation allowed; inferior officers may be exempt. (Cal. XX 3; Del. XIV; N.D. XIV 211; N.Y. XIII 1; Wis. IV 28.)
Administered either by presiding officer of either legislative branch or by any officer authorized to administer oath. (Ala. XVI 279.)
Filed with clerk of county where taken; members of highest court exempt. (Okla. XV 2.)
False swearing or affirmation or violation of either is perjury; to work forfeiture of any office of trust or profit. (Okla. XV 2.)
Refusal to take oath or affirmation to work forfeiture of office. (Okla. XV 2.)
Qualifications
Must be citizen of state and qualified elector of territorial jurisdiction. (La. 210.)
Removal
By address of both branches of legislature to executive. (Me. VI 4.)
By governor with consent of council on address of both houses of legislature. (Mass. Pt. II Ch. III 1; N.H. II 72.)
Judicial officers, except justice of the peace, removed by senate on recommendation of governor. Cause entered on journal; incumbent served with copy of complaint and opportunity to be heard in his defense. Yeas and nays entered on journal. (Justices of highest court, intermediate court of appeals and general trial courts, removed by concurrent resolution of both houses by two-thirds vote of each house; otherwise same as above.) (Cal. VI 10.)
Judicial officers, except justices of the peace and judges of inferior courts, not of record, removed for cause by senate on vote of two-thirds of all members elected, on recommendation of governor. Cause entered on journals; incumbent served with statement of cause and opportunity to be heard. Yeas

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COURTS (*Cont'd*)

JUDICIAL OFFICERS (*Cont'd*)

Removal (*Cont'd*)

and nays entered on journal. (Judges of highest court and of general trial courts removed by concurrent resolution of both houses by two-thirds vote of all members elected to each house; otherwise same as above.) (N.Y. VI 11.)

Residence

Within their territorial jurisdiction; removal to work forfeiture notwithstandiing any declaration as to retention of domicile. (La. 210.)

Term of Office

During good behavior except as otherwise provided in constitution. (Mass. Pt. II Ch. III 1; N.H. II 72.)

Seven years for all appointed officers unless reappointed. (Me. VI 4.)

Until successor qualified. (Kan. III 12.)

Vacancies

Filled by appointment by governor until next regular election occurring more than 30 days after vacancy. (Kan. III 11.)

During recess of senate filled by governor; during session of senate, governor to make nomination before final adjournment; but if vacancy in elective office successor chosen at next election appropriate to office, unless vacancy occurs within two calendar months preceding election, in which case election to be held at second succeeding election day appropriate to office. (Pa. IV 8.)

JUDICIAL SALES, *See* JUDICIAL SALES.

JURIES, *See* JURIES.

JURIES, CHARGE TO, *See below, this title,* TRIALS.

JURISDICTION

See also DISTRIBUTION OF POWERS.

For jurisdiction of courts established by legislature, See above, this title, ESTABLISHMENT.

Of a particular class of courts, See throughout this title.

Legislature to distribute jurisdiction not pertaining to highest court among other courts prescribed in constitution, or which may be prescribed by law. (N.C. IV 12.)

Legislature to have no power to deprive judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government. (Ida. V 13; N.C. IV 12.)

Except in so far as expressly changed by this amendment, to remain as at present until otherwise provided by law. (The amendment referred to is a new judicial article; the original article is reduced to the level of an ordinary act by this amendment; provisions are not digested.) (Ore. VII 2.)

To be regulated by law, except so far as conferred by this constitution. (Va. VI 87.)

Legislature may alter and regulate, except as limited in constitution. (N.Y. VI 3.)

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COURTS (*Cont'd*)

JURISDICTION (*Cont'd*)

Of all courts of same class or grade, so far as regulated by law, to be uniform. (Colo. VI 28; Ill. VI 29; Mont. VIII 26; Nebr. VI 19; Pa. V 26.)

Same; except city courts; uniformity must be established by legislature. (Ga. VI Sec. IX 1.)

Of all courts of same class or grade, so far as regulated by law, to be uniform; but legislature may classify county courts according to population of respective counties and fix jurisdiction accordingly. (S.D. V 34.)

Organized judicial powers of all courts of same class or grade, so far as regulated by law, to be uniform. (Ida. V 26.)

No judge to be affected in his jurisdiction as to territory or amount during period for which elected or appointed. Legislation so affecting judge or court to take effect only at end of term of office, but this provision not to affect provisions of constitution relative to impeachment or removal. (La. 114.)

Not to be regulated by local, private or special law. (Ky. 59; La. 48; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56; Va. IV 63.)

Legislature to confer on courts power to grant divorces, change names of persons, direct sale of estates belonging to infants and other persons under legal disabilities. (Va. IV 63.)

All matters testamentary, of administration, business appertaining to minors and allotment of dower, cases of idiocy and lunacy and persons *non compos mentis* to be vested as legislature may provide. (S.C. V 19.)

Legislature to have right to vest such powers with regard to private and local affairs as may be expedient. (Tenn. XI 9.)

In all cases where there is appeal from judgment rendered on reconventional or other incidental demand, appeal shall lie to court having jurisdiction of main demand. (La. 95.)

No court to have jurisdiction to entertain any contest wherein validity or constitutionality of bonds under section 281, regulating the issue of bonds of municipal and other public corporations is questioned; provided that bonds have not already been declared invalid by judgment of court of last resort in state, and more than 60 days have elapsed since promulgatien of proceedings evidencing issue. (La. 281 (3) (1914).)

JUSTICE, ADMINISTRATION OF, *See* ADMINISTRATION OF JUSTICE.

JUSTICES' COURTS

Subhead covers provisions relating to justices' courts whether jurisdiction or judicial organization is referred to in constitution as a justice's court or is given to justice of peace as such. For election, qualification, administrative functions, etc., of justices of peace, See below, this title, JUSTICES OF PEACE.

Abolishment, *See below, this title,* JUSTICES OF PEACE.

Appeals from

To a particular court, See throughout this title.

In cases prescribed by law. (Md. IV 42.)

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COURTS (*Cont'd*)

JUSTICES' COURTS (*Cont'd*)

Appeals from (*Cont'd*)

Secured under rules provided by law. (Miss. VI 171; S.C. V 23.)

In cases and under regulations prescribed by law. (N.D. IV 114; W.Va. VIII 28; Wyo. V 23.)

Right of appeal without prepayment of costs to be provided for by law. (Ala. VI 168.)

If legislature gives jurisdiction to court, right of appeal to some other court must be given. (N.H. II 76.)

Character

Not to be courts of record. (Ariz. VI 10; Wash. IV 11.)

Clerks

Elected at general election by qualified electors of county, for term of four years; office kept in town or place in county where general trial court usually held. (Del. III 22, 23, 24.)

Establishment, *See above, this title*, ESTABLISHMENT.

Evidence

Legislature not to pass local or special law changing rules of evidence in any judicial proceeding or inquiry before. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Fees

Fees, fines and penalties to be paid into the county treasury. (Pa. V 13.)

Judicial Districts

Each county to be divided by legislature; not less than three or more than eight in county. (Ky. 142.)

Each county to be divided by legislature; not more than 25 for a county or four for each 100 square miles. (Tenn. VI 15.)

Each county to be divided into districts; not less than three nor more than 10 in county; equal as may be in territory and population. (W.Va. VIII 27.)

Each organized county to be divided; not less than four nor more than eight in county; division made by commissioners' courts in districts. (Tex. V 18.)

Not less than three or more than 10 in any county; as nearly equal as may be in territory and population; districts to remain as now exist until changed by county court. (W.Va. VIII 27.)

Jurisdiction

Civil

Amount in controversy not to exceed $100; none in assault and battery, libel, slander or ejectment. (Ala. VI 168.)

As conferred by law; not to trench upon jurisdiction of any court of record; except that they shall have concurrent jurisdiction with general trial court in cases of forcible entry and detainer where rental value does not exceed $25 per month and where whole amount of damage claimed does not exceed $200. (Ariz. VI 9.)

Concurrent in matters of damage to personal property in contract where amount in controversy does not exceed

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COURTS (*Cont'd*)
JUSTICES' COURTS (*Cont'd*)
Jurisdiction (*Cont'd*)
Civil (*Cont'd*)

$100; concurrent where amount in controversy exceeds $100 and does not exceed $300, exclusive of interest; concurrent in suits for recovery of personal property where value of property does not exceed $300; none where a lien on land or possession of land involved. (Ark. VII 40.)

As conferred by law; value of property or amount in controversy not to exceed $300; none where boundary of or title to land involved. (Colo. VI 25.)

As conferred by law. (Conn. V 2; Wis. VII 15.)

Amount in controversy not to exceed $100. (Fla. V 22.)

In cases of personal property, injuries or damage to; amount claimed not to exceed $100. (Ga. VI Sec. VII 2.)

Cases arising *ex contractu* amount claimed not to exceed $100. (Ga. VI Sec. VII 2.)

Amount in controversy not to exceed $300, exclusive of interest; none where boundary of or title to land involved. (Ida. V 22.)

To be uniform. (Ill. VI 21; Ky. 142.)

Amount in controversy not to exceed $100, except by consent of parties may be extended to amount not exceeding $300; none in chancery cases or where title to land may be involved. (Iowa XI 1.)

Exclusive original amount under $50; concurrent with general trial court when amount is between $50 and $100, exclusive of interest; same limitations on suits regarding ownership of movable property and of landlords for possession of leased premises when monthly or yearly rent, or rent of unexpired term of lease does not exceed said amounts; none where title to land involved or political corporation defendant or in matters of probate or where successor is defendant. (La. 126.)

As now provided by law. (Md. IV 42.)

Exclusive to amount of $100 and concurrent to amount of $300, which may be increased to $500, with such exceptions as provided by law. (Mich. VII 16.)

Amount in controversy not to exceed $100; none where title to land involved. (Minn. VI 8.)

Amount in controversy not to exceed $200. (Miss. VI 171.)

As conferred by law, except as constitution otherwise provides; concurrent with general trial courts in forcible entry and detainer; none in equity, in divorce, annulment of marriage or where title or possession of land is involved; none where amount in controversy exceeds $300; no power to issue writs of quo warranto, habeas corpus, mandamus, prohibition, injunction or certiorari. (Mont. VIII 20, 21.)

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COURTS (*Cont'd*)
JUSTICES' COURTS (*Cont'd*)
Jurisdiction (*Cont'd*)
Civil (*Cont'd*)

As conferred by law; amount in controversy not to exceed $200; none where title to or boundary of land in dispute. (Nebr. VI 18.)

As conferred by law; concurrent with general trial court in cases of mechanics' liens or where the relation of landlord and tenant exists, or where possession has been unlawfully or fraudulently obtained or withheld; none where mining claims, boundaries of or titles to land are involved or any cases that in any manner conflict with courts of record. (Nev. VI 8.)

As conferred by law; amount in controversy not to exceed $100; none where title to land in dispute. (N.H. II 76.)

Amount in controversy not to exceed $200, exclusive of interest; none where title to or boundary of land involved. (N.M. VI 26.)

In contract as conferred by law founded on contract, amount claimed not to exceed $200; legislature may give in other civil matters where value of property does not exceed $50; none where title to land involved. (N.C. IV 27.)

In actions other than amounts on contract value of property in controversy not to exceed $50; actions founded on contracts not to exceed $200. (N.C. IV 27.)

Concurrent with general trial court when amount in controversy exclusive of costs does not exceed $200. (N.D. IV 112.)

Amount in controversy, exclusive of costs, not to exceed $200; none where boundaries of or title to land involved. (N.D. IV 112.)

Concurrent with county court until otherwise provided by law; amount not to exceed $200, exclusive of interest. (Okla. VII 18.)

Value of property in controversy not to exceed $100; not in equity cases; none where title to land involved. (S.C. V 21.)

As conferred by law; amount in controversy not to exceed $100 on boundary of or title to land involved. (S.D. V 22.)

As conferred by law amount in controversy not to exceed $200, exclusive of interest, of which exclusive original jurisdiction is not given to the general trial courts or county courts. (Tex. V 19.)

As now provided by law; legislature may restrict. (Utah VIII 8.)

As conferred by law; not to trench upon the jurisdiction of general trial or other courts of record. (Wash. IV 10.)

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COURTS (*Cont'd*)
JUSTICES' COURTS (*Cont'd*)
Jurisdiction (*Cont'd*)
Civil (*Cont'd*)
Cases of assumpsit, debt, detinue and trover; legislature may confer additional, amount claimed not to exceed $300, exclusive of interest. (W.Va. VIII 28.)
Cases in which general trial court has jurisdiction; amount in controversy not to exceed $200, exclusive of costs; none where title to or boundaries of land involved. (Wyo. V 22.)
Legislature may limit jurisdiction of justices in territory in Cook county outside of city of Chicago to such outside territory if municipal courts in city of Chicago created. (Ill. IV 34.)
Criminal
As conferred by law. (Ariz. VI 9; Ida. V 22; Mich. VII 16; Nev. VI 8; S.D. V 22; W.Va. VIII 28; Wis. VII 15.)
Misdemeanors as conferred by law. (Ark. VII 40; La. 126; Wyo. V 22.)
Criminal, as conferred by law. (Conn. V 2.)
As conferred by law in assaults and batteries, keeping without license public house, and unlawful sale of intoxicating liquors, carrying concealed deadly weapons, disturbing religious meetings, nuisance; such other misdemeanors as legislature by two-thirds vote of all members elected to each house may confer. (Del. IV 30.)
Criminal, as conferred by law; not to include felonies. (Fla. V 22.)
To be uniform. (Ill. VI 21; Ky. 142.)
Where punishment does not exceed three months' imprisonment, or a fine of over $100. (Minn. VI 8.)
Concurrent with general trial courts; where punishment prescribed does not extend beyond a fine and imprisonment in county jail; legislature may confer jurisdiction in petty misdemeanors. (Miss. VI 171.)
As conferred by law; not in felony; except as examining courts. (Mont. VIII 21.)
As conferred by law; none in cases where punishment may exceed three months' imprisonment or fine of over $100. (Nebr. VI 18.)
Where punishment is less than imprisonment in state prison. (N.H. II 76.)
Where punishment does not exceed a fine of $50 or imprisonment for 30 days. (N.C. IV 27.)
Misdemeanors as may be provided by law; in counties where no county court with criminal jurisdiction exists. (N.D. IV 112.)
Concurrent with county courts in cases of misdemeanors where punishment does not exceed fine of $200 or im-

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COURTS (*Cont'd*)

JUSTICES' COURTS (*Cont'd*)

Jurisdiction (*Cont'd*)

Criminal (*Cont'd*)

prisonment in county jail for not exceeding 30 days, or both such fine and imprisonment. (Okla. VII 18.)

As conferred by law; none where punishment exceeds a fine of $100, or imprisonment for 30 days. (S.C. V 21.)

As conferred by law; where penalty or fine not more than $200. (Tex. V 19.)

As now provided by law; legislature may restrict. (Utah VIII 8.)

As conferred by law; not to trench upon jurisdiction of general trial court or other courts of record. (Wash. IV 10.)

Private, Local or Special Laws

Not to be regulated by. (Ariz. IV 19; Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Ind. IV 22; Mo. IV 53; Mont. V 26; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; Okla. V 46; Ore. IV 23; Pa. III 7; Tex. III 56; Utah III 56; Wyo. III 27.)

Not to be increased by. (Ala. IV 104.)

Procedure

See also below, this title, PROCEDURE.

Practice not to be regulated by local, private or special law. (Minn. IV 33; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Process to be authenticated as prescribed by law. (Md. IV 1.)

To issue all necessary process in exercise of jurisdiction. (Ark. VII 40.)

Each magistrate may appoint one or more constables to execute writs and processes issued by him. (S.C. V 20.)

Justice to make record of proceedings in all cases and file same with clerk of general trial court for his county. (N.C. IV 27.)

Special Organization for Particular Counties

In Philadelphia one court not of record for each 30,000 inhabitants for police and civil causes jurisdiction not to exceed $100; term of office, six years; elected on general ticket at municipal election by qualified voters at large and no voter shall vote for more than two-thirds of the number to be elected when more than one chosen; compensated by fixed salaries to be paid by county; exercise such civil and criminal jurisdiction except as herein provided as exercised aldermen, subject to such changes not involving an increase of civil jurisdiction or conferring political duties as may be made by law; in Philadelphia the office of aldermen is abolished. (Pa. V 12.)

Time and Place of Holding

Always open for transaction of business, except on legal holidays and non-judicial days. (Mont. VIII 22.)

As provided by law. (Tex. V 20.)

To sit monthly at fixed times and place. (Ga. VI Sec. VII 2.)

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COURTS (*Cont'd*)

JUSTICES OF PEACE

Under this subhead are digested provisions dealing with the justice of peace as an individual. For provisions relating to judicial organization and jurisdiction of justices' courts, See above, this title, JUSTICES' COURTS.

For provisions referring to all judges, See above, this title, JUDGES.

Abolishment of Office

May be abolished in any city having population of over 20,000 except city of Savannah, and legislature may establish courts to exercise duties. (Ga. VI Sec. VII 1.)

Legislature may abolish and confer jurisdiction upon judges of county courts or elsewhere. (N.D. IV 112.)

Legislature may abolish in city of Chicago if municipal courts created. (Ill. IV 34.)

Legislature may abolish justices of peace courts in wards of cities containing more than 5,000 inhabitants, and create in their stead courts with such civil jurisdiction as now vested in justices of peace, and with criminal jurisdiction not extending beyond the trial of offenses not punishable by imprisonment and hard labor, the laws of the state and the violation of municipal and parochial ordinances and the holding of preliminary examinations in cases not capital; compensation of judges paid by parishes and cities in which established, in proportions provided by law. (La. 96.)

Legislature may abolish justices' courts in any city having population over 20,000, except city of Savannah, and establish in lieu thereof such court or courts as deemed necessary, conferring upon such new courts jurisdiction now exercised by justices of peace, notaries public and *ex officio* justices of the peace, together with such additional jurisdiction either as to amount or to subject-matters as may be provided by law, whereof some other court has not exclusive jurisdiction under constitution, together also with such provisions as to rules and procedure, new trials and correction of errors and with such further provisions for correction of errors by general trial court or intermediate or lesser court of appeals or highest court as legislature may desire. (Ga. VI Sec. VII 1, (1914).)

Commissions

Commissioned by governor. (Ark. VII 38; Ky. 142; Tenn. VI 15.)

Commissioned for the county. (N.J. VII Sec. II 8.)

Compensation

Amount

As provided by law. (Ill. VI 32; Md. IV 42; Minn. VI 8; Nebr. VI 20; S.C. V 20, 24; Utah VIII 8.)

In incorporated cities and towns having more than 5,000 inhabitants salary as may be provided by law. (Wash. IV 10.)

Fees, salaries and emoluments to be prescribed by law. (N.C. IV 18.)

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COURTS (*Cont'd*)

JUSTICES OF PEACE (*Cont'd*)

Compensation (*Cont'd*)

Fees and Perquisites

Fees not to be increased by local, private or special law. (Ala. IV 104.)

Fees not to be regulated by local, private or special law. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

As provided by legislature; to be uniform throughout the state. (Ala. VI 168.)

In civil matters as prescribed by law. (La. 126.)

In lieu of fees in criminal matters and peace bond cases, which are prohibited, receive such salaries as may be fixed by police jury which salary shall be graded; fee bill for civil matters as provided by law, payable by parish. (La. 128, 129.)

Prohibited in criminal cases. (S.C. V 20.)

Prohibited where they receive a salary (receive a salary in towns having more than 5,000 inhabitants). (Wash. IV 10.)

Conservators of Peace

Shall be. (Ky. 142; Md. IV 42; Utah VIII 21; W.Va. VIII 28.)

To be throughout state. (Okla. VII 19.)

To bind persons to keep the peace or for good behavior. (Ark. VII 40.)

Within their respective counties. (Ark. VII 40; W.Va. IX 7.)

Within their respective districts. (N.M. VI 21.)

Dual Office Holding

Not to hold seat in legislature. (N.D. II 37.)

Not to hold seat in legislature; election and taking seat in legislature vacates office. (N.J. IV Sec. V 3.)

Not to be judge of county court. (W.Va. VIII 30.)

Duties

As provided by law. (Ill. VI 18, 32; Nebr. VI 18, 20.)

To sit with and assist county judges in levying county taxes and making appropriations for expenses of county in manner prescribed by law. (Ark. VII 30.)

Authority to take acknowledgment of deeds and other writings, administer oaths and take and certify depositions. (W.Va. VIII 28.)

May act as notary public. (Iowa 170; Tex. V 19.)

No power of naturalization. (Mont. VIII 21.)

Power to order inquest of the dead. (Fla. V 22.)

Power to hold preliminary examinations, *See below, this title,* TRIALS — PRELIMINARY EXAMINATIONS.

Not to be regulated by local, private or special law. (Ariz. IV 19; Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Ind. IV 22; Minn. IV 33; Mont. V 26; Mo. IV 53; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; Ore. IV 23; Utah VI 26; Wyo. III 27.)

Not to be extended by local, private or special law. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

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COURTS (*Cont'd*)
JUSTICES OF PEACE (*Cont'd*)
How Selected
Appointed by governor with consent of majority of all members elected to senate. (Del. IV 32.)
Appointed by governor with consent of senate. (Md. IV 42; S.C. V 20.)
Appointed or elected in each county. (Mo. VI 37.)
Appointment or election to be provided for by legislature. (Va. VI 108.)
Elected. (Utah VIII 8.)
Elected in each county. (N.D. IV 112; Tex. V 18; Wyo. V 22.)
Elected in each county as prescribed by law. (Ida. V 22; Minn. VI 8; Miss. VI 171.)
Elected in each district. (Conn. Amend. X; Fla. V 21; Ga. VI Sec. VII 3; Ky. 99; La. 126; Nebr. VI 18; N.M. VI 26; R.I. X 7; Tenn. VI 15; W.Va. VIII 27.)
Elected in each district as prescribed by law; in city of Chicago appointed by governor with consent of senate (on recommendation of majority of judges of circuit, superior and county courts) for such districts as prescribed by law. (Ill. VI 21.)
Elected in each city as prescribed by law. (N.Y. VI 17.)
Elected in each incorporated city, town and precinct. (Wash. IV 10.)
Elected in each township. (Ark. VII 38; Ind. VII 14; Kan. III 9; Mich. VII 15; Mont. VIII 20.)
Elected at annual town meetings or at such other time as legislature may direct. (N.Y. VI 17.)
Elected by freemen of towns. (Vt. II 47.)
Elected by ballot at the annual meetings of townships and at wards of cities that may vote in wards as prescribed by law. (N.J. VI Sec. VII 1, VII Sec. II 8.)
Elected in each ward, district, borough or township by the qualified voters as prescribed by law at municipal election. (Pa. V 11.)
Elected as prescribed by legislature at charter elections by qualified voters. (Wis. VII 15.)
Elected in each precinct of each county. (Tex. V 18.)
To be elected in each precinct of each county, at same time as members of legislature, beginning 1904. (Colo. XIV 11.)
New Shoreham and Jamestown may continue to elect their wardens as heretofore; other towns and city of Providence may elect justices of the peace. (R.I. X 7.)
Justices of general trial courts to be justices of peace within their respective districts as to criminal matters. (Pa. V 9.)
Legislature may constitute magistrates in cities or towns *ex officio* justices of peace for their respective counties. (Mont. VIII 24.)
Judges of highest court to be justices of peace throughout state, and judges of general trial courts to be justices of peace in their respective counties by virtue of their office except in the trial of causes appealed to general trial courts. (Vt. II 28.)

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COURTS (*Cont'd*)

JUSTICES OF PEACE (*Cont'd*)

Judicial Districts

Creation of not to be provided for by local, private or special law. (Miss. IV 90.)

Name

Where called justices of peace only, no citation given.

Justices of peace or aldermen. (Pa. V 11.)

Justices of peace or police magistrates. (Ill. VI 21.)

Magistrates. (S.C. V 20.)

Number

As prescribed by legislature. (Del. IV 30; Md. IV 42; Nebr. VI 18; Utah VIII 8; Wis. VII 15.)

As prescribed by legislature; a sufficient number. (Conn. V 1; Mo. VI 37; Va. VI 108.)

As prescribed by legislature, a sufficient number in each county. (Minn. VI 8; Miss. VI 171; N.D. IV 112; S.C. V 20; Wyo. V 22.)

As prescribed by legislature, a sufficient number in each township. (Ind. VII 14.)

As prescribed by legislature, except in parish of Orleans. (La. 126.)

As prescribed by legislature for each town. (Conn. Amend. X.)

As prescribed by legislature in incorporated cities, towns and precincts. (Wash. IV 10.)

As provided by law for each city and township. (Nev. VI 8.)

In cities containing over 50,000 inhabitants not more than one in each ward or district. (Pa. V 11.)

In incorporated cities and towns and in precincts as prescribed by legislature. (Ariz. VI 9.)

No more than two without consent of majority of qualified electors in district. (Pa. V 11.)

Not less than two and not more than five in each township and in each of the wards of the cities that may vote in wards; when a township or ward contains 2,000 or less it may have two justices; when it contains more than 2,000 and not more than 4,000, four justices; and when it contains more than four it may have five justices provided that when any township not voting in wards contains more than 7,000 such township shall have additional justices for each additional 3,000 above 4,000; population ascertained by last preceding census of the United States until legislature shall provide other mode of ascertaining. (N.J. VI Sec. VII 1, 2.)

Not more than five in towns having less than 1,000; not more than seven in towns having 1,000 and less than 2,000; not more than 10 in towns having 2,000 and less than 3,000; not more than 12 in towns having 3,000 and less than 5,000; not more than 15 in towns having 5,000 or more. (Vt. II 47.)

Not more than two in each precinct; where precinct lies within or partly within an incorporated city or town of more than

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COURTS (*Cont'd*)
JUSTICES OF PEACE (*Cont'd*)
Number (*Cont'd*)
1,500, lieu of justices of peace an inferior court can be established. (Ala. VI 168.)
Not to exceed four in each organized township. The legislature may provide for justices in cities. (Mich. VII 15.)
Number and classification as prescribed by legislature. (N.Y. VI 17.)
One for every 200 electors, but every township, no matter how small, shall have two justices of the peace. (Ark. VII 39.)
One in districts of 1,200 or less; not less than three nor more than 10 districts in each county. (W.Va. VIII 27.)
One in each district into which each county is divided by county commissioners; not less than two districts in each county. (Fla. V 21.)
One in each militia district. (Ga. VI Sec. VII 1.)
One in each precinct; not less than four nor more than eight precincts in each organized county. (Tex. V 18.)
Two in cities of more than 2,500. (Okla. VII 18.)
Two in each district (not more than 25 districts in a county) except three in districts including towns; legislature may provide for additional justices in incorporated towns. (Tenn. VI 15.)
Two in each organized township. (Mont. VIII 20.)
Two in each township; legislature may increase in any township. (Kan. III 9.)
Two in precincts in which there may be a city of 8,000 or more. (Tex. V 18.)
Two in each precinct of each county; but in precincts of 50,000 or more inhabitants number may be increased as provided by law. (Colo. XIV 11.)
All towns and city of Providence except New Shoreham and Jamestown may elect number they deem proper. (R.I. X 7.)
Oath of Office
To be indorsed on commission. (Ark. VII 38.)
Prohibition on Practice of Law
Not act in or originate any civil suit in matters which shall come or be brought before them. (N.H. II 78.)
Qualifications
Freeholders and qualified electors, and possess such other qualifications as may be prescribed by law. (La. 126.)
Qualified electors of township for which elected. (Ark. VII 41.)
Resided in district one year next preceding election. (Pa. V 11.)
Resident of district. (R.I. X 7.)
Resident of township. (Ark. VII 41.)
Residence during term, *See below, this subdivision,* RESIDENCE.
Reappointment
May be reappointed. (Me. VI 5; Mass. Pt. II Ch. III 3.)

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COURTS (*Cont'd*)

JUSTICES OF PEACE (*Cont'd*)

Removal

By governor with consent of council. (Mass. Amend. XXXVII.)

In manner and for cause prescribed by law. (Ohio X 6.)

By judges of general trial court for incompetency, official misconduct, habitual drunkenness or other cause defined by law; cause set forth in writing and truth found by jury. (Tex. V 24.)

Liable for crimes or misdemeanors in office, to indictment in such courts as legislature may direct; upon conviction removed from office as if found guilty of impeachment and subject to other punishment prescribed by law. (Tenn. V 5.)

May be prosecuted or indicted for misdemeanor or malfeasance in office or wilful neglect in discharge of official duties in such mode as may be prescribed by law; upon conviction office vacated, but right of appeal to highest court. (Ky. 227.)

On conviction for malpractice in office. (Ga. VI Sec. VII 3.)

For specified causes by general trial courts, courts of like jurisdiction, or by criminal court of county in which he holds office, under regulations prescribed by law; provided, right to trial by jury and appeal secured. (Ala. VII 175.)

By judge or judges having criminal jurisdiction in the county or city, for incompetency, wilful neglect of duty, misdemeanors in office, on conviction in a court of law. (Md. IV 42.)

On prosecution and final conviction for misdemeanor in office; in Chicago, by summary proceedings in circuit or superior court for extortion or other malfeasance. (Ill. VI 21, 28, 30.)

Residence

In district. (Ill. VI 32; Nebr. VI 20; W.Va. VIII 27.)

In district; removal from district vacates office. (N.J. VII Sec. II 8; Tenn. VI 15.)

In city or town for which elected or appointed. (Ark. VII 38, 50.)

In township for which elected. (Mont. VIII 33.)

In township during term of office. (Kan. III 11.)

Vacate office by removal from districts from which elected. (Ky. 142.)

Removal from district, or residence placed without district by a change in boundaries, vacates office. (Mich. VII 19.)

As qualification for office, *See above, this subdivision*, QUALIFICATIONS.

Retirement on Account of Age

On reaching 70 years. (Conn. V 3.)

Substitutes

Not to sit in trial of case in which interested, or parties or either of them connected with him by affinity or consanguinity, except by own consent and consent of parties. (Miss. VI 171.)

Not to sit in trial of cause in which either party related to him by affinity or consanguinity within degree of first cousin; or in which he was counsel; or in trial of which he presided in inferior court; or in which interested. (N.M. VI 18.)

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COURTS (*Cont'd*)
JUSTICES OF PEACE (*Cont'd*)
Term of Office
As prescribed by law. (Ala. VI 168; Mo. VI 37.)
Two years. (Ark. VII 38; Colo. XIV 11; Kan. III 9; Md. IV 42; Minn. VI 8; Vt. II 48.)
Two years except as otherwise provided in this constitution. (Mont. VIII 20.)
Two years and until successors are appointed and qualified. (S.C. V 20.)
Two years and until successor elected and qualified. (Nebr. VI 20; Tex. V 18; Wis. VII 15.)
Four years. (Del. IV 31; Fla. V 21; Ga. VI Sec. VII 1; Ind. VII 14; La. 126; Miss. VI 171; N.Y. VI 17; W.Va. VIII 27.)
Four years and until successor qualified. (Ill. VI 21, 32.)
In Chicago, four years and until successors qualified. (Ill. VI 28.)
Four years and until successors are elected and qualified; at first election in any township to be classified as shall be prescribed by law. (Mich. VII 15.)
Five years. (N.J. VII Sec. II 8; N.H. II 74.)
Six years. (Pa. V 11; Tenn. VI 15.)
Seven years. (Me. VI 5; Mass. Pt. II Ch. III 3.)
To hold until successors are qualified. (N.C. IV 25.)
Begins first day of February next after election. (Vt. II 48.)
Begins first day of May next after election. (N.J. VII Sec. II 8.)
Vacancies
To be filled as provided by law. (Ida. V 19.)
Filled by clerk of general trial court for unexpired term; clerk also appoints in case of failure of voters to elect. (N.C. IV 28.)
Filled by appointment of governor for unexpired term. (Md. IV 43.)
To be filled by special election unless occurring six months before next general election, when filled by appointment by governor. (Ark. VII 38, 50.)
Filled by election for unexpired term. (Mich. VII 15; N. J. VII Sec. II 8; N.Y. VI 17; Wis. VII 15.)
Filled by election; if unexpired term does not exceed one year may be filled by appointment as provided by legislature. (Nebr. VI 21.)
To be filled by board of county commissioners of county where occurring. (Colo. VI 29.)
Filled by appointment of county court until next general election. (W.Va. VIII 30.)
Filled by appointment of commissioners' court until next general election for justices of peace. (Tex. V 28.)
Filled by appointment of board of county commissioners of county until election of successor for unexpired term. (Mont. VIII 34.)

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COURTS (*Cont'd*)

JUSTICES OF PEACE (*Cont'd*)

Vacancies (*Cont'd*)

To be filled by election; if unexpired term does not exceed one year, by appointment by board of supervisors, or board of county commissioners, in county where vacancy occurs. (Ill. VI 21, 32.)

JUVENILE COURTS

Detailed provisions for system of. (La. 118.)

In counties and cities and counties having population exceeding 100,000, exclusive original jurisdiction in cases involving minors and persons whose offenses concern minors, may be vested in separate court. (Colo. VI 1.)

General trial court to have exclusive original jurisdiction in matters affecting dependent, neglected, incorrigible or delinquent children or children accused of crime, under the age of 18 years. Judges must hold examinations in chambers of all such children concerning whom proceedings are brought in advance of criminal prosecution and may suspend criminal prosecution for any offenses committed by such children. Powers of judges to control children prescribed by law. (Ariz. VI 6.)

Legislature may establish juvenile courts. (N.M. VI 1.)

LAND REGISTRATION COURTS

Legislature may establish such court or courts of land registration as it may deem proper for administration of any law it may adopt for purpose of settlement, registration, transfer or assurance of titles to land in state or any part thereof. (Va. VI 100.)

LIMITATION OF ACTIONS

Legislature to have no power to revive remedy which may become barred by lapse of time or by any statute of limitation of state. (Miss. IV 97.)

Legislature to have no power to revive right or remedy barred by lapse of time or by statute of state. (Ala. IV 95.)

No law to be passed lessening time within which action may be commenced on cause of action existing at time of passage. (Fla. III 33.)

Statutes of limitation not to run against state or any subdivision or municipal corporation thereof. (Miss. IV 104.)

Prescription not to run against state in any civil matter unless otherwise provided in constitution or by law. (La. 192.)

No appropriation to be made for payment of claim against state, except claims of United States, and judgments, unless filed within six years after claim accrued. (Wis. VIII 2.)

Neither legislature, canal board, nor any person acting in behalf of state to audit, allow or pay claim which as between citizens of state would be barred by lapse of time; this provision not construed to repeal statute fixing time within which claims shall be presented or allowed, nor shall it extend to claims duly presented within time allowed by law and prosecuted with due diligence

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COURTS (*Cont'd*)

LIMITATION OF ACTIONS (*Cont'd*)

from time of such presentment; if claimant under legal disability claim may be presented within two years after disability removed. (N.Y. VII 6.)

No act to prescribe limitation of time within which suit may be brought against corporation, different from general laws as to natural persons; such acts now existing avoided. (Pa. III 21.)

Of civil actions, private, local or special law prohibited. (Ala. IV 104; Ariz. IV 19; Cal. IV 25; Colo. V 25; Ida. III 19; Ky. 59; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Tex. III 56; Wash. II 28; Wyo. III 27.)

Of criminal actions, private, local or special law prohibited. (Ala. IV 104; Cal. IV 25; Ida. III 19; Ky. 59; N.M. IV 24; Okla. V 46; Tex. III 56; Wash. II 28.)

As to real property, *See* PROPERTY — REAL PROPERTY — PRESCRIPTION.

MAGISTRATES

Where a justice of peace has civil as well as criminal jurisdiction and is called a magistrate, for provisions in respect to his election and qualification and administrative functions, See above, this title, JUSTICES OF PEACE, *and for provisions relating to jurisdiction, See above, this title,* JUSTICES' COURTS; *where the judicial function of the magistrate is confined to police jurisdiction, See below, this title,* POLICE COURTS.

See also above, this title, JUDGES.

Fees or duties not to be regulated by local or special law. (Mo. IV 53; Pa. III 7; Tex. III 56.)

Powers and duties not to be regulated by local or special law. (Minn. IV 33.)

MUNICIPAL COURTS

Clerks

In city having court in whose office deeds are recorded, clerk to be elected for eight years by qualified voters, to perform such other duties as prescribed by law. There shall be elected in same manner and for same term such additional clerks of courts for cities as legislature may prescribe, or as now authorized by law, so long as such courts continue, but in no city of less than 30,000 shall there be more than one clerk of court, who shall be clerk of all courts of record in city. (Va. VIII 118.)

Costs

Legislature to impose tax on all civil suits; to constitute fund to be applied toward payment of salary of judges. (Wis. VII 18.)

Establishment, *See above, this title,* ESTABLISHMENT.

Judges

Compensation

Not less than $2,000 a year in city of first class; can be increased, but neither increased or diminished during term of office. (Va. VI 103.)

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COURTS (*Cont'd*)
MUNICIPAL COURTS (*Cont'd*)
Judges (*Cont'd*)
Compensation (*Cont'd*)
Payable by parishes and cities in which they are established in proportion as provided by law. (La. 96.)
Payable out of state treasury; state to be reimbursed by city for one-half; city may by ordinance increase salary, such increase to be paid wholly by city; such increase neither to be enlarged or decreased during term; cities of second class to pay salary. (Va. VI 103.)
Disqualified to Act in Particular Cases
Judges of general trial court in county may preside. (Ga. VI Sec. V 1.)
Dual Office Holding
Not to hold any other office of public trust during office, but in city of second class may hold office of commissioner in chancery or general trial court for the county in which city is located. (Va. VI 105.)
How Selected
Appointed. (Conn. Amend. XX.)
Appointed as legislature may provide. (S.D. V 23.)
Appointed by governor in same manner as other judicial officers. (Me. VI 8.)
Appointed jointly by both houses of legislature. (Va. VI 99.)
Number
One for each court. (Va. VI 99.)
Power to Act in Other Courts
In cities having charter and less than 5,000 judge of corporation court may be also judge of corporation court in other city having less than 10,000. (Va. VI 99.)
In cities of first class may hold general trial courts in county or city. (Va. VI 99.)
Prohibition on Practice of Law
Not to practice law within or without state. (Va. VI 105.)
Qualifications
Same qualifications as judges of highest court. (Va. VI 99.)
Residence
In cities for which elected. (S.D. V 23, 37.)
In respective cities or towns for which elected. (Mont. VIII 33.)
Within jurisdiction of court, but in cities having charter for less than 5,000 judge may reside outside limits. (Va. VI 99.)
Term of Office
As provided by law. (Ala. VI 168.)
Not to be longer than judges of general trial court. (Wis. VII 2.)
Two years. (Conn. Amend. XX.)
Four years. (Me. VI 8.)
Eight years. (Va. VI 99.)

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COURTS (*Cont'd*)

MUNICIPAL COURTS (*Cont'd*)

Judges (*Cont'd*)

Vacancies

If elected, filled by appointment by municipality. (S.D. V 23, 37.)

Judicial Districts

For judicial system, cities divided into two classes: first, cities of 10,000 or more as shown by United States census or other census provided by law; second, cities less than 10,000. In city containing 30,000 inhabitants or more, legislature may provide additional courts as required. In every city of second class, corporation or hustings court existing at time of constitution shall continue under name of corporation court but may be abolished by majority vote at election held for purpose, and whenever the office of judge of corporation or hustings court of city of second class whose salary is less than $800 shall remain vacant for 90 days consecutively, such court shall cease to exist; where corporation court abolished in any city of second class, such city shall come within jurisdiction of circuit court until otherwise provided by law, and during its existence, circuit court shall have concurrent jurisdiction with corporation or hustings court in all actions at law and suits in equity. (Va. VI 98, 116.)

Jurisdiction

As provided by law. (Nev. VI 9.)

Civil; same as now vested in justices' courts. (Ark. VII 43; La. 96.)

Civil; same as now vested in justices' courts; also coextensive with the county as provided by law. (S.D. V 23.)

Criminal; same as now vested in justices' courts; also any not punishable by death or imprisonment in the penitentiary. (Ark. VII 43.)

Criminal; same as now vested in justices' courts; violation of city ordinances; also coextensive with county as provided by law. (S.D. V 23.)

Criminal; violation of municipal and parochial ordinances; offenses punished by hard labor; preliminary examination in municipal cases. (La. 96.)

Not to exceed that of general trial courts as provided in constitution. (Wis. VII 2.)

To be prescribed by legislature for municipal courts in city of Chicago, if courts established. (Ill. IV 34.)

Name

City courts. (Conn. Amend. XX.)

Corporation court. (Ark. VIII 43; Va. VI 98.)

Procedure

To be prescribed by legislature for municipal courts in city of Chicago, if courts established. (Ill. IV 34.)

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COURTS (*Cont'd*)

MUNICIPAL COURTS (*Cont'd*)

Procedure (*Cont'd*)

Legislature may provide for appeal from one jury to another and court may grant new trial on legal grounds. (Ga. VI Sec. IV 6.)

Sessions

May be as many sessions at the same time as there are judges. (Cal. VI 6.)

Special Organization for Baltimore

Detailed provisions. (Md. IV 27 *et seq.*)

Special Organization for New Orleans

Detailed provisions for. (La. 143 *et seq.*)

NEW ORLEANS COURTS

Detailed provisions for. (La. 130 *et seq.*)

NOTARIES PUBLIC, *See* NOTARIES PUBLIC.

OFFICERS

See also PUBLIC OFFICERS.

Of a particular court, See throughout this title.

No person related to any judge by affinity or consanguinity within degree of first cousin to be appointed or employed by judge or court in any office or duty in any court of which said judge a member. (Utah VIII 15.)

Judges may appoint such officers in their respective courts as may be necessary, except in the city of Baltimore where judges of supreme bench of Baltimore city shall appoint for all courts of city. Fixed compensation to be prescribed by law for all such officers. (Md. IV 9.)

ORPHANS' COURTS, *See below, this title,* PROBATE COURTS.

OYER AND TERMINER, COMMISSIONS OF

No commissions of oyer and terminer or general jail delivery shall be issued. (Del. I 14; Pa. I 15.)

OYER AND TERMINER, COURT OF

See also above, this title, GENERAL TRIAL COURTS FOR CRIMINAL CASES ONLY.

Chief justice and four associate justices to constitute. To designate those to hold court in several counties, no more than three to sit together in any court. Chief justice when present to preside; in absence, senior associate judge present, to preside. Three to constitute a quorum; one judge may open and adjourn. Sessions provided in each county and business in each county may be distributed and apportioned in such manner as provided by rules of court. To have jurisdiction and powers vested by law in court of oyer and terminer, coextensive with state; process to issue in either county, into every county. Governor to have power to commission judge *ad litem* to constitute a quorum; commission to confine office to cause and to expire on determination of same; to receive reasonable compensation to be fixed by legislature; member of Congress or person holding or exercising office under United States is not disqualified. Court to have power to direct question of law to be

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COURTS (*Cont'd*)

OYER AND TERMINER, COURT OF (*Cont'd*)

heard in court *en banc* upon application of either party; this court to consist of five judges. Chief justice to preside when present, senior associate in absence. Four to constitute a quorum; one may open and adjourn court. (Del. IV 5, 6, 9, 15, 18, 19.)

PLEADING

In a particular class of courts, See throughout this title.

Distinction between law and equity, *See above, this title,* ACTIONS.

To be under direction of legislature. (Minn. VI 14.)

Legislature may provide for service of pleadings in all civil cases by litigants themselves. (La. 129.)

No religious or political test oath to be required as prerequisite or qualification to plead. (W.Va. III 11.)

No judgment to be set aside or new trial granted for error as to any matter of pleading, unless after examination of entire cause, including evidence, court is of opinion that error complained of has resulted in miscarriage of justice. (Cal. VI 4½ (1914).)

No criminal cause to be reversed for technical error in pleading when upon the whole case it appears that substantial justice has been done. (Ariz. VI 22.)

In criminal causes to be as provided by law. (Ariz. VI 22.)

Judges may admit persons charged with felony to plea of guilty and pass such sentence as may be prescribed by law. (Nebr. VI 9.)

Every action prosecuted by people of state as party against person charged with public offense to be termed a criminal action. (Ida. V 1; N.C. IV 1.)

Amended indictment may be filed, when indictment held to be defective in form. (Ore. VII 5.)

POLICE COURTS

Abolishment

Legislature may abolish in Chicago if municipal courts created. (Ill. IV 34.)

Appeals from

As provided by law. (N.D. IV 114; Wyo. V 23.)

Legislature may confer jurisdiction of criminal cases where punishment is less than imprisonment in state prison, subject to right of appeal and trial by jury. (N.H. II 76.)

Establishment, *See above, this title,* ESTABLISHMENT.

Jurisdiction

Cases in which debt or sum claimed exceeds $200, exclusive of interest. (N.M. VI 26.)

Civil, as conferred by law in cities of the fourth and fifth class and towns of the sixth class having a population of 250,000 or more; jurisdiction uniform throughout the state; not to exceed that of justices' courts. (Ky. 143.)

Civil, as provided by law where amount in controversy exceeds $200; none where boundary of or title to land is involved. (Nebr. VI 18.)

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COURTS (*Cont'd*)

POLICE COURTS (*Cont'd*)

Jurisdiction (*Cont'd*)

Legislature may confer jurisdiction of criminal cases where punishment is less than imprisonment in state prison. (N.H. II 76.)

Criminal, where punishment does not exceed three months' imprisonment or a fine of over $100. (Nebr. VI 18.)

In all cases arising under the ordinances of cities and towns respectively. (Colo. VI 26; Ky. 143; Mont. VII 24; S.D. V 23.)

Cases arising under the ordinances of cities, towns and villages; legislature may confer jurisdiction in cases of misdemeanor. (N.D. IV 113.)

To be uniform. (Ill. VI 21.)

Not to be regulated by private, local or special law. (Cal. IV 25; Colo. V 25; Ill. IV 22; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; Wyo. III 27.)

Magistrates

See also above, this title, MAGISTRATES.

Compensation

As prescribed by law. (Ill. VI 32; Nebr. VI 20.)

As municipal charter may determine. (Cal. XI 8½ (1914).)

Duties in Other Courts

Ex officio justices of peace for respective counties. (N.D. IV 115; S.D. V 23.)

How Selected

Appointed. (Conn. Amend. XX.)

Appointed by governor in same manner as other judicial officers. (Me. VI 8.)

Elected. (N.D. IV 113.)

Elected by electors in precinct of district as provided by law. (N.M. VI 26.)

Elected by electors in respective districts. (Ill. VI 21; Nebr. VI 18.)

Elected or appointed as provided in municipal charter. (Cal. XI 8½ (1914).)

Legislature to have power to provide for. (Colo. VI 26.)

Justices of peace may act in incorporated cities. (Ariz. VI 9.)

Justices of peace may act in incorporated cities and towns. (Wash. IV 10.)

Limitations on Legislative Control

Not to be regulated by private, local or special law. (Cal. IV 25; Colo. V 25; Ill. IV 22; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; Wyo. III 27.)

Number

As provided by law. (Nebr. VI 18.)

Such as deemed from time to time necessary or expedient. (Colo. VI 26.)

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COURTS (*Cont'd*)
POLICE COURTS (*Cont'd*)
Magistrates (*Cont'd*)
Qualifications
As municipal charter may determine. (Cal. XI 8½ (1914).)
Removal
To be removed on prosecution and final conviction for misdemeanor in office. (Ill. VI 21, 30.)
Residence
In district for which elected. (Ill. VI 32; Nebr. VI 20.)
In city or town for which elected. (Mont. VIII 33.)
In city or town for which elected or appointed. (S.D. V 23, 37.)
Term of Office
Two years. (Conn. Amend. XX.)
Two years and until successor qualified. (Nebr. VI 20.)
Four years. (Me. VI 8.)
Four years, and until successors qualified. (Ill. VI 21, 32.)
Vacancies
To be filled by appointment by municipality for unexpired term. (S.D. V 23, 37.)
Filled by election; if unexpired term does not exceed one year may be filled by appointment as provided by legislature. (Nebr. VI 21.)
To be filled by election; if unexpired term does not exceed one year, by appointment by board of supervisors, or board of county commissioners, in county where vacancy occurs. (Ill. VI 21, 32.)
Name
Police justices. (Wash. IV 10.)
Police magistrates. (Colo. VI 26; Ill. VI 21; N.D. IV 113; S.D. V 23.)
Police magistrate courts. (Wyo. V 23.)
Number
May be established in each county and town in state. (Ky. 143.)
PREROGATIVE COURT
See also below, this title, PROBATE COURTS.
Chancellor to be "judges of the prerogative court"; persons aggrieved by order, sentence or decree of orphans' court may appeal to prerogative court; but order, sentence or decree not to be removed into highest court or circuit court if subject-matter within jurisdiction of orphans' court. Secretary of state to be register of court and perform duties required by law in that respect. (N.J. VI Sec. IV 2-4.)
PROBATE COURTS
For jurisdiction of general trial courts in probate matters, See above, this title, GENERAL TRIAL COURTS — JURISDICTION — ORIGINAL.
For jurisdiction of county courts in probate matters, See above, this title, COUNTY COURTS — JURISDICTION — ORIGINAL.

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COURTS (*Cont'd*)

PROBATE COURTS (*Cont'd*)

For jurisdiction of chancery courts in probate matters, See above, this title, CHANCERY COURTS.

Abolishment

Legislature may abolish office of judge of probate in any county and confer powers upon such inferior courts as may be established in county. (Wis. VII 14.)

Character

To be court of record. (Ida. V 20; Kan. III 8; Md. IV 1; Mich. VII 17; Minn. VI 7; Mo. VI 34; N.M. VI 23; Ohio IV 7.)

Clerks

See also above, this title, CLERKS.

Dual Office Holding

Not to hold office of judge of highest court or of any inferior court, attorney-general, county attorney, state treasurer, adjutant-general, judge of probate, register of deeds, sheriff, deputy sheriff, clerk of court or member of legislature; election to and acceptance of seat in Congress vacates office. (Me. IX 2.)

Ineligible to legislature; election to and acceptance of office to be resignation from legislature; not to hold office of judge of probate, sheriff or register of deeds. (Mass. Pt. II Ch. VI 2.)

How Selected

Elected by qualified electors at general election. (Del. III 22.)

Elected at annual election on second Monday of September. (Me. VI 7.)

Elected by people of several counties. (Mass. Amend. XIX.)

By electors of the several towns in the several counties according to method now practiced and laws of state; legislature to have power to alter manner of certifying the votes and mode of election, but not so as to deprive people of right of election. (N.H. II 70.)

Judge to appoint when none elected. (Minn. VI 7.)

Surrogates elected by people of respective counties. (N.J. VII Sec. II 6.)

Legislature may provide for separate clerk. (Mo. VI 35; Ohio IV 16.)

Until otherwise provided by law, county clerk shall act. (N.M. VI 22.)

In counties where court is separately organized, register of wills acts. (Pa. V 22.)

In counties of less than 15,000, clerk of general trial court acts; in counties over 15,000, clerk of county court acts. (Ark. VII 19.)

Clerk of general trial court acts unless legislature directs special election. (Ohio IV 16.)

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COURTS (*Cont'd*)
PROBATE COURTS (*Cont'd*)
Clerks (*Cont'd*)
How Selected (*Cont'd*)
Judge may be required to act as his own clerk. (Mo. VI 35; Ohio IV 16.)
Assistant clerks may be appointed by clerk with consent and approval of court. (Pa. V 22.)
Location of Office
In town or place in county where general trial court is usually held. (Del. III 23.)
Name
Register of probate. (N.H. II 70.)
Power of Appointment
May appoint assistant clerks with consent and approval of court. (Pa. V 22.)
Term of Office
Four years. (Del. III 22.)
Four years from 1st of January after election. (Me. VI 7.)
Five years for surrogates. (N.J. VII Sec. II 6.)
Vacancies
Filled by appointment by governor with consent of council until election; appointee holds until 1st day of January after election to fill vacancy. (Me. VI 7.)
In office of surrogate, filled by governor till successor is elected. (N.J. V 12.)
Combined with Other Courts
Whenever 10 per cent. of all electors voting for governor at next preceding election in any county having less than 60,000 population, as determined by next preceding federal census, shall petition judge of general trial court of any such county not less than 90 days before general election for county officers, judge of said court to submit to electors of county question of combining probate court with general trial court. Elections may be had in same manner for separation of such courts when once combined. (Ohio IV 7.)
Costs and Fees
Accounts filed with clerk audited by court without expense to parties, except where all parties nominate auditor whom court may, in its discretion, appoint. (Pa. V 22.)
Establishment, *See above, this title*, ESTABLISHMENT.
Judges
See also above, this title, JUDGES.
Ad Litem Appointees
Legislature may provide for appointment or selection of probate judge *pro tem.* when judge is unavoidably absent or disqualified. (Kan. III 8.)
If judge disqualified, to certify facts to governor who shall commission special judge *pro tem.* (Ark. VII 36.)

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COURTS (*Cont'd*)

PROBATE COURTS (*Cont'd*)

Judges (*Cont'd*)

Ad Litem Appointees (*Cont'd*)

Legislature may, on application of board of supervisors, provide for election of local officers, not to exceed two in each county, to discharge duties of surrogate, in case of inability. (N.Y. VI 16.)

Compensation

As provided by law. (Ark. VII 37; Ill. VI 20, 32; Kan. III 8; Minn. VI 7; Ohio IV 7.)

As provided by law; not to be increased or decreased during term. (N.Y. VI 15.)

Per diem for time actually in session, regulated by law and paid by county or city of Baltimore. (Md. IV 40.)

Payable as provided by law. (Ark. VII 37; Minn. VI 7.)

Payable out of county treasury. (N.Y. VI 15; Ohio IV 7.)

Prohibition against receiving any fees if counsel in probate business which is pending or may be brought within any court of probate in county over which he is judge. (N.H. II 80.)

Dual Office Holding

Not to hold office of register of probate, sheriff or register of deeds; ineligible to legislature, election to and acceptance of office to be resignation from legislature; same rule applies if he accepts seat in governor's council. (Mass. Pt. II Ch. VI 2.)

Not to hold office of judge in the highest court or of any inferior court, attorney-general, county attorney, treasurer of state, adjutant-general, register of probate, register of deeds, sheriff, deputy sheriff or clerk of court or seat in legislature; election to and acceptance of seat in Congress vacates office. (Me. IX 2.)

Cannot hold office of sheriff or register of deeds. (N.H. II 93.)

Duties

As prescribed by law. (Ill. VI 32; Mich. VII 13; Wis. VII 14.)

How Selected

Elected by electors in counties. (Ida. XVIII 6; Kan. III 8; Md. IV 40; Minn. VI 7; Mo. VI 34; Ohio IV 7.)

Elected by electors of counties by plurality of vote at annual election on second Monday of September. (Me. VI 7.)

Elected by electors of counties on the Tuesday succeeding the first Monday in November. (Mich. VII 14.)

Elected by qualified electors of counties at times provided by law, except as herein provided; change in mode or time of election not to affect right of judge to hold for full term. (Ala. VI 152, 155.)

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COURTS (*Cont'd*)
PROBATE COURTS (*Cont'd*)
Judges (*Cont'd*)
How Selected (*Cont'd*)
Elected by electors in districts on Tuesday after first Monday of November, 1876, and biennially thereafter. (Conn. Amend. XXI.)
Elected by electors in counties; county judge to be surrogate in his county, except where separate surrogate elected; in counties exceeding 40,000 where there is no separate surrogate, legislature may provide for election of separate officer to be surrogate; legislature may confer on general trial court in county over 400,000, powers and jurisdiction of surrogates, with power to try issues of fact by jury in probate cases. (N.Y. VI 15.)
Elected on Tuesday after first Monday in November, 1914, and biennially thereafter; same as election of senators; detailed provisions for returns and canvass. (Vt. II 35, 46, 49.)
Surrogates elected by people of respective counties. (N.J. VII Sec. II 6.)
Elected when court is established. (Ill. VI 20.)
Judges of general trial court for civil cases to act as judges in those counties where court not separately organized. (Pa. V 9.)
Chancellor and resident associate judge to constitute orphans' court in each county. (Del. IV 11.)
Judge of county court acts *ex officio*. (Ark. VII 34.)
Number
One for each court. (Ga. VI Sec. VI 1; Kan. III 8; Minn. VI 7; Mo. VI 34; Wis. VII 14.)
One or more in counties with more than 100,000 inhabitants. (Mich. VII 14.)
One or more in county where court separately organized. (Pa. V 22.)
Three for each court. (Md. IV 40.)
Prohibition on Practice of Law
In counties exceeding 120,000 not to practice as attorney or counsellor in any court of record in state or act as referee; similar provisions in other counties if provided by law. (N.Y. VI 20.)
Shall not act as in any probate business which is pending or may be brought into any court of probate in county of which he is judge. (N.H. II 80.)
Qualifications
Attorney and counsellor of state, except in county of Hamilton. (N.Y. VI 20.)
Citizen of state. (Md. IV 40.)
Learned in the law. (Pa. V 22.)
Resident for 12 months preceding election. (Md. IV 40.)
Resident in county at time of election. (Minn. VI 7.)

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COURTS (*Cont'd*)

PROBATE COURTS (*Cont'd*)

Judges (*Cont'd*)

Residence

In county for which elected. (Ill. VI 20, 32.)

In county during their term of office. (Kan. III 11; Minn. VI 7.)

Retirement on Account of Age

Not to hold office longer than last day of December next after reaching 70 years of age. N.Y. VI 15.)

Term of Office

Two years. (Ida. XVIII 6; Kan. III 8; Minn. VI 7; Vt. II 48.)

Two years and until successor qualifies. (Wis. VII 14.)

Four years. (Me. VI 7; Ohio XVII 14.)

Four years and until successor qualifies. (Ga. VI Sec. VI 2; Ill. VI 20, 32.)

Same; mechanical provisions for ending at different times; when two or more in one court, legislature may provide for election at alternate biennial election. (Mich. VII 14.)

Five years for surrogates. (N.J. VII Sec. II 6.)

Six years and until successor qualifies. (Ala. VI 155.)

Six years except in county of New York where 14. (N.Y. VI 15.)

Begins 1st day of January after election. (Me. VI 7.)

Begins 1st day of February after election. (Vt. II 48.)

Vacancies

To be filled by election, but if unexpired term does not exceed one year by appointment by governor. (Ill. VI 20, 32.)

Filled by appointment of governor until election; appointee holds until 1st day of January after election. (Me. VI 7.)

Filled by appointment of governor with consent of senate; appointee holds for residue of term. (Md. IV 40.)

In office of surrogate filled by governor, until successor is elected. (N.J. V 12.)

Filled in same manner as vacancies in general trial court; legislature may, on application of board of supervisors, provide for election of local officers not exceeding two in number to discharge duties of surrogate, in case of inability or vacancy, and in such other case as may be provided by law, and to exercise such other powers in special cases as provided by law. (N.Y. VI 15, 16.)

Judgments

Appeals allowed to prerogative court from orders, sentences or decrees; but these shall not be removed into intermediate court of appeals or general trial court if subject-matter within jurisdiction of probate court. (N.J. VI Sec. IV 3.)

Final except when opinion of judges opposed, or when decision made by one of them, or when decision is made by both of

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COURTS (*Cont'd*)
PROBATE COURTS (*Cont'd*)
Judgments (*Cont'd*)
them in matters involving right to real estate or value thereof, and in all matters affecting guardians or guardians' accounts. in which cases appeal to general trial court for civil cases only, whose decision is final. (Del. IV 11.)
Appeal to general trial court for civil cases only, in cases decided by court where register of wills interested on questions concerning probate of wills, granting of letters of administration or executors' or administrators' accounts; decision on appeal final. (Del. IV 33.)
Jurisdiction
Matters pertaining to orphans' business; power to grant letters testamentary and administration. (Ala. VI 149.)
Matters relative to probate of wills, estate of deceased persons, executors, administrators, guardians and persons of unsound mind and their estate as now vested in general trial court or may be hereafter conferred by law. (Ark. VII 34.)
As prescribed by law; legislature may repeal or alter act of legislature giving jurisdiction or power to court in any matter, and may confer jurisdiction and powers in addition to those mentioned in constitution. (Del. IV 11, 20.)
When judge of register's court is interested in question concerning probate of wills, granting of letters of administration, or executors for administrators' accounts. (Del. IV 33.)
Exceptions to settlements by register of wills of accounts of executors and administrators. (Del. IV 34.)
Powers of court of ordinary and probate. (Ga. VI Sec. VI 1.)
Matters of probate, settlement of estates of deceased persons, appointment of guardians; all civil cases where amount in controversy does not exceed $500, exclusive of interest; concurrent with justices' courts in criminal cases. (Ida. V 21.)
Probate matters, settlement of estates of deceased persons, appointment of guardians and conservator, and settlement of their accounts in all matters relating to apprentices and in cases of sales of real estate of deceased persons for payment of debts. (Ill. VI 20.)
As conferred by law in matters of probate jurisdiction and care of estates of deceased persons, minors and persons of unsound mind. (Kan. III 8.)
As conferred by law. (Md. IV 40; Wis. VII 14.)
As conferred by law; cases of juvenile delinquents and defendants. (Mich. VII 13.)
Over estates of deceased persons; persons under guardianship; no other jurisdiction except as prescribed by constitution. (Minn. VI 7.)
Probate business, granting letters testamentary, and of administration, appointment of guardians and curators of minors and persons of unsound mind, settling accounts of executors, ad-

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COURTS (*Cont'd*)

PROBATE COURTS (*Cont'd*)

Jurisdiction (*Cont'd*)

ministrators, curators and guardians, and the sale or leasing of lands by them; in matters pertaining to apprentices. (Mo. VI 34.)

Matters relating to probate of wills and granting letters of administration to be exercised by judges of probate in manner prescribed by law. (N.H. II 79.)

Until otherwise provided by law to have same jurisdiction as is now exercised by the probate courts of the territory of New Mexico; such civil coextensive with county as conferred by law; none in any action against officers for misconduct in office; none where boundaries or possession of or title to land involved or in action for specific performance of contracts for sale of real estate; as conferred by law in misdemeanors where punishment cannot be imprisonment in the penitentiary or in which the fine cannot be in excess of $1,000; none in slander and libel, divorce or actions for malicious prosecution; jurisdiction may be conferred on judges to act as examining and committing magistrates in criminal cases. (N.M. VI 23.)

Powers which the surrogate and existing surrogate courts now possess until otherwise provided by law. (N.Y. VI 15.)

In probate and testamentary matters, appointment of administrators and guardians, settlements of accounts of executors, administrators and guardians; such as issuing of marriage licenses and other jurisdiction conferred by law. (Ohio IV 8.)

As conferred by law, including jurisdiction of a register's court, which court is abolished. (Pa. V 22.)

Name

Where called probate court reference not given.

Court of ordinary. (Ga. VI Sec. VI 1.)

Orphans. (Pa. V 22.)

Surrogate court. (N.Y. VI 15.)

Number

Legislature may establish one in each county. (Ala. VI 149.)

One in each county. (Kan. III 8; Md. IV 40; Mo. VI 34; N.M. VI 23; Ohio IV 7; Wis. VII 14.)

One in each organized county. (Mich. VII 13; Minn. VI 7.)

Quorum

One judge (out of two). (Del. IV 11.)

Registers, *See above, this subdivision,* CLERKS.

Registers' Courts, *See below, this title,* REGISTERS' COURTS.

Register of Wills, *See below, this title,* REGISTER OF WILLS.

Seal

To be the seal of the county courts. (Okla. Sched. 24.)

To have a common seal. (Mich. VII 17.)

To have seal to be used in authentication of all process. (Md. IV 1.)

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COURTS (*Cont'd*)

PROBATE COURTS (*Cont'd*)

Time and Place of Holding

As prescribed by law. (Minn. VI 7; N.H. II 79.)

As prescribed by law, but until so prescribed, as respective judges shall direct. (Mass. Pt. II Ch. III 4.)

Open at all times. (Ohio IV 7.)

Time as prescribed by law. (Ark. VII 34; Kan. III 8.)

Transfer of Cases

See also below, this title, TRIALS — CHANGE OF VENUE.

If judge disqualified, case transferred to general trial court of same county. (N.M. VI 23.)

Uniformity of Provisions Relating to

To be uniform in organization, jurisdiction, duties and practice, except that separate clerk may be provided for or judge may be required to act *ex officio* as his own clerk. (Mo. VI 35.)

Writs, Power to Issue

Habeas corpus. (Kan. III 8.)

Habeas corpus as conferred by law. (Ohio IV 8.)

No power to grant writs of habeas corpus, injunction or ordinary writs. (N.M. VI 23.)

PROCEDURE

On Appeals, *See above, this title,* APPEALS.

Attachments

Issued and served on legal holidays and on non-judicial days. (Ariz. VI 8.)

Criminal Cases

Proceedings to be as prescribed by law. (Ariz. VI 22.)

No criminal case to be reversed for technical error in proceedings when upon the whole case it appears that substantial justice has been done. (Ariz. VI 22.)

If indictment quashed, person charged not to be released, but held to answer information or affidavit, if probable cause of guilt. (Tex. V 17.)

When after conviction new trial granted, defendant not to be tried for offense or degree of offense greater than one for which convicted. (N.M. II 15.)

Amended indictment may be filed by district attorney when indictment held to be defective in form. (Ore. VII 5.)

Bail, *See* BAIL.

Form of accusation, *See* CRIMES.

Preliminary examinations, *See below, this title,* TRIALS.

Special rights of accused, *See* CRIMES — RIGHTS OF ACCUSED.

English Language

Written judicial proceedings of the state conducted, promulgated and preserved in. (Mich. XVI 6.)

Same; but legislature may provide that judicial advertisements in "certain designated cities and parishes", shall also be made in French language. (La. 165.)

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COURTS (*Cont'd*)

PROCEDURE (*Cont'd*)

Error in

No judgment to be set aside or new trial granted for any error as to any matter of procedure, unless after examination of entire cause, including evidence, court is of opinion that error complained of has resulted in miscarriage of justice. (Cal. VI 4½ (1914).)

If highest court of opinion after consideration of all matters submitted, that judgment of court appealed from was correct, judgment to be affirmed, notwithstanding error committed during trial. (Ore. VII 3.)

No criminal case to be reversed for technical error in proceedings, when upon the whole case it appears that substantial justice has been done. (Ariz. VI 22.)

No judgment or decree in any chancery or general trial court rendered in civil case to be reversed or annulled on ground of want of jurisdiction to render such judgment or decree, from error or mistake as to whether cause in which rendered was in equity or common-law jurisdiction, but if highest court finds error in proceedings other than as to jurisdiction, and it is necessary to remand case, it may remand it to any court which, in its opinion, can best determine controversy. (Miss. VI 147.)

Feigned Issues

Abolished; fact at issue tried by order of court before jury. (Ida. V 1; N.C. IV 1.)

Garnishment

Current wages for personal service not subject to. (Tex. XVI 28.)

Pleading, *See above, this title*, PLEADING.

Process, *See below, this title*, PROCESS.

Regulation

Legislature to provide a general system in all courts of state. (Iowa V 14.)

Proceedings in courts to be under direction of legislature. (Minn. VI 14.)

Legislature to regulate methods of proceeding in exercise of their powers, of all courts below highest. (Ida. V 13; N.C. IV 12.)

Highest court to make rules and amend practice in all courts of record. (Mich. VII 5; Tex. V 25.)

Highest court to make rules governing proceedings in equity. (Md. IV 18.)

Not to be regulated by local, private or special law. (Ariz. IV 19; Cal. IV 25; Colo. V 25; Fla. III 20; Ida. III 19; Ill. IV 22; Ind. IV 22; La. 48; Miss. IV 90; Mo. IV 53; Mont. V 26; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; Okla. V 46; Ore. IV 23; Pa. III 7; Tex. III 56; Utah VI 26; Va. IV 63; W.Va. VI 39; Wyo. III 27.)

Not to be regulated by local or special law, but practice in circuit courts in continuous session may, by general law, be made dif-

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COURTS (*Cont'd*)

PROCEDURE (*Cont'd*)

Regulation (*Cont'd*)

ferent from the practice of circuit courts held in terms. (Ky. 59.)

No act of legislature to change rules of procedure in any pending case. (N.M. IV 34.)

Survival of Actions

No suit in chancery or at law where cause of action survives, to abate, but until legislature otherwise provides, suggestion of death being entered on record, executor of a deceased party may prosecute suit, and if respondent or defendant dies, executor or administrator being served with a scire facias 30 days before the return to be considered party to suit in same manner as if he had voluntarily made himself a party; in any of those cases the court to pass a decree or render judgment for or against executor or administrator as to right appertains; but where executor or administrator of deceased respondent or defendant becomes a party the court, upon motion, to grant a continuance of the cause if the judges deem proper. (Del. IV 26.)

Trials, *See below, this title,* TRIALS.

Uniformity

Proceedings and practice of all courts of same class or grade, so far as regulated by law, to be uniform. (Ill. VI 29; Mont. VIII 26.)

Same; except city courts; uniformity must be established by legislature. (Ga. VI Sec. IX 1.)

Proceedings and practice of all courts of same class or grade, so far as regulated by law, and force and effect of proceedings, to be uniform. (Colo. VI 28; Ida. V 26; Nebr. VI 19; S.D. V 34.)

PROCESS

Style of

In prosecutions and indictments, See CRIMES — FORM OF ACCUSATION.

"The state of ....." (Ala. VI 170; Ariz. VI 20; Del. IV 35; Fla. V 37; Ind. VII 18; Iowa V 8; Kan. III 17; Ky. 123; La. 90; Md. IV 13; Minn. VI 14; Miss. VI 169; Mont. VIII 27; Nebr. VI 24; Nev. VI 13; N.D. IV 97; Ohio IV 20; Pa. V 23; S.D. V 38; Tex. V 12; Utah VIII 18; Wash. IV 27; Wyo. V 15.)

"The people of the state of ....." (Cal. VI 20.)

"In the name of the people of the state of ....." (Colo. VI 30; Ill. VI 33; Mich. VII 22.)

Writs and processes to be "the state of ....." (specifying state). (Mo. VI 38; N.M. VI 20; Okla. VII 19; Wis. VII 17.)

All writs and processes to run in the name of the state of ..... (S.C. V 31.)

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COURTS (*Cont'd*)

PROCESS (*Cont'd*)

Style of (*Cont'd*)

Writs and other process to run in the name of the state of ..... (Ark. VII 49; Tenn. VI 12.)

Writs to be in the name of the state. (Mass. Pt. II Ch. VI 5; N.H. II 86; N.J. VIII 3.)

Writs issued under authority of this state to run in the name of the state of West Virginia. (W.Va. II 8.)

Teste and Signing

Writs and process to bear *teste* and be signed by clerk of court from which issued. (Ark. VII 49; Tenn. VI 12.)

Tested, sealed and signed as provided by law. (Md. IV 13.)

Writs to be attested by clerk of court from which issued. (Mo. VI 38.)

Writs issuing out of the clerk's office in any court of law to be under seal of court whence they issue, and bear *teste* of first justice of court to which they shall be returnable, who is not a party, and be signed by clerk of such court. (Mass. Pt. II Ch. VI 5.)

Writs issued out of the clerk's office in any court of law to be under seal of court, when issued bear teste of chief or first or senior justice of court, but when judge interested then writ to bear teste of some other justice of court to which same shall be returnable; and to be signed by clerk of such court. (N.H. II 86.)

Service of

On corporations, *See* CORPORATIONS.

Legislature may provide for service of process in all civil cases by litigants themselves. (La. 129.)

Service of citation not to be waived by any document under private signature executed prior to the maturity of obligation sued on. (La. 91.)

Force and Effect

Of process of all courts of same class or grade, so far as regulated by law, to be uniform. (Ill. VI 29; Pa. V 26.)

Same; except city courts; uniformity must be established by legislature. (Ga. VI Sec. IX 1.)

QUARTERLY COURTS

See also above, this title, COUNTY COURTS.

One in each county; jurisdiction uniform throughout state; regulated by general law and until changed same as now vested in quarterly courts of this commonwealth; judge of county court to be judge. (Ky. 139.)

REGISTER OF WILLS

See also above, this title, PROBATE COURTS.

To be a county officer and elected as such. (Pa. XIV 1, 2.)

Elected at general election by qualified voters of respective counties, for term of four years, office to be located in town or place in county where general trial court is held. (Del. III 22, 23, 24.)

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COURTS (*Cont'd*)

REGISTERS' COURTS

See also above, this title, PROBATE COURTS.

Abolished. (Pa. V 22.)

Registers of wills to hold court in each county. On litigation of a case, depositions of witnesses examined to be taken in writing and made part of the proceedings. Court may issue process throughout state. Appeals may be taken to general trial court for civil cases only, whose decision final. If register interested in questions concerning probate of wills, granting of letters of administration or executors' or administrators' accounts, cognizance of cases to belong to probate court, with appeals to general trial court for civil cases only, whose decision final. Executor or administrator to file every account with register of wills for county, who shall, when convenient, carefully examine in presence of executor or administrator, and adjust and settle same; account so settled to remain in his office for inspection; executor or administrator within three months to give notice in writing to persons entitled to shares of estate or to their guardians, if residing within state, that account may be inspected. Exceptions may be made by persons concerned denying justice of allowances or alleging further charges. Exceptions heard in orphans' court for county and settled. (Del. IV 33, 34.)

SEAL

Courts of record to have seal to be used in authentication of all process. (Kan. III 1.)

SPECIAL SESSIONS, COURT OF, *See above, this title,* CRIMINAL COURTS.

SUPREME COURTS

See above, this title, HIGHEST COURT.

See above, this title, INTERMEDIATE COURTS OF APPEAL.

See above, this title, GENERAL TRIAL COURTS.

SURROGATES, *See above, this title,* PROBATE COURTS.

TERMS

Of a particular class of courts, See throughout this title.

To remain as fixed by ordinance forming part of constitution until otherwise provided by law. (Tex. V 14.)

Courts to be maintained in every county in this state and also in new counties when formed. (Vt. II 4.)

TRIALS

Right to

Accused has right to public trial. (Ind. I 13; Ore. I 11.)

Every man has right to speedy trial in all criminal prosecutions. (Md. D.R. 21; Va. I 8.)

Accused has right to speedy trial in all criminal prosecutions. (Wyo. I 10.)

Accused has right to speedy and public trial in all criminal prosecutions. (Ariz. II 24; Ark. II 10; Cal. I 13; Colo. II 16; Del. I 7; Fla. D.R. 11; Ga. I Sec. I 5; Ida. I 13; Ill. II 9; Kan. B.R. 10; La. 9; Mich. II 19; Minn. I 6; Mo. II 22; Mont. III 16; Nebr. I 11; N.J. I 8; N.M. II 14; N.D. I 13; Ohio I 10;

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COURTS (*Cont'd*)

TRIALS (*Cont'd*)

Right to (*Cont'd*)

Okla. II 20; R.I. I 10; S.C. I 18; S.D. VI 7; Tex. I 10; Utah I 12; Vt. I 10; Wash. I 22.)

Accused has right in all criminal prosecutions to a speedy, public and impartial trial. (Me. I 6.)

In all criminal prosecutions and in cases involving the life or liberty of an individual, accused to have right to a speedy and public trial. (Iowa I 10.)

Accused right to speedy and public trial in prosecution by indictment. (Ala. I 6.)

Accused has right to speedy and public trial in prosecutions by indictment or information. (Conn. I 9; Ky. 11; Miss. III 26; Pa. I 9; Wis. I 7.)

Accused has right to speedy and public trial in prosecutions by indictment or presentment. (Tenn. I 9.)

Trials of crimes and misdemeanors to be public without unreasonable delay. (W.Va. III 14.)

Right of accused to be heard, *See* CRIMES — RIGHTS OF ACCUSED.

Preliminary Examinations

Preliminary examination and commitment by magistrate required in all cases heretofore required to be prosecuted by indictment, and now prosecuted by information; in case of indictment, examination or commitment necessary if so prescribed by law. (Cal. I 8.)

A preliminary examination and commitment by magistrate, unless waived, required in cases heretofore required to be prosecuted by indictment and now prosecuted by information; in case of indictment, either "with or without such examination and commitment". (Utah I 13.)

A preliminary examination by magistrate required in cases of felony unless waived. (Ariz. II 30; Okla. II 17.)

"No person to be held to answer for any offense unless on presentment or indictment of a grand jury, or on information of the public prosecutor, after commitment by a magistrate." (Ida. I 8.)

Prosecutions by information in general trial courts to be after examination and commitment by magistrate, or after leave granted by court. (Mont. III 8.)

Justices of peace to sit as examining courts to commit, discharge or recognize offenders to the court having jurisdiction for further trial. (Ark. VII 40.)

Justices of peace to have power to issue process for arrest of persons charged with crime and make the same returnable before himself or county judge, for examination, discharge, commitment or bail of the accused. (Fla. V 22.)

Justices of peace to have criminal jurisdiction as committing magistrates; power to bail or discharge any cases not capital or necessarily punishable at hard labor. (La. 126.)

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COURTS (*Cont'd*)
TRIALS (*Cont'd*)
Preliminary Examinations (*Cont'd*)
Justices of peace to sit as examining and committing magistrates in all felony cases until otherwise provided by law. (Okla. VII 18.)
Magistrates have power to bind over to keep the peace and for good behavior for a time not to exceed 12 months. (S.C. V 21.)
May be held in cases of felony by judges of highest court, general trial courts and justices of peace. (Utah VIII 21.)
District judges and justices of peace may hold in criminal cases. (N.M. VI 21.)
County courts to have jurisdiction of examining and committing magistrates in all criminal cases. (Okla. VII 17.)
Judges of probate courts may be authorized to sit as examining and committing magistrates in criminal cases. (N.M. VI 23.)
Place of Bringing Suit
Against corporations, *See* CORPORATIONS — SUITS — AGAINST.
Every civil action cognizable by magistrates to be brought before a magistrate in county where defendant resides. (S.C. V 23.)
All actions for recovery and possession of land, or for quieting title or enforcement of liens on real estate, to be commenced in county in which real estate or any part thereof affected by such action is situated. (Cal. VI 5; Mont. VIII 11.)
Divorce cases to be brought in county where defendant resides, if a resident of this state; if not a resident then in county in which plaintiff resides. (Ga. VI Sec. XVI 1.)
Suits against maker and indorser of promissory notes, drawer, acceptor and indorser of foreign or inland bills of exchange or like instruments, residing in different counties, to be brought where maker or acceptor resides. (Ga. VI Sec. XVI 5.)
Criminal actions cognizable by magistrates to be brought in county where offense committed. (S.C. V 23.)
Time of
Accused has right to reasonable time to prepare defense. (W.Va. III 14.)
Right of accused to speedy trial, *See above, this subdivision,* RIGHT TO.
Place of Trial
Every action to be tried in county in which commenced, unless judges of court believe that impartial trial cannot be had in that county. (Del. I 9.)
All civil business arising in a county to be tried in that county unless a change of venue be taken as provided by law. (Utah VIII 5.)
Titles to land to be tried in county where land lies except where single tract is divided by county line, in which case general trial court in either county to have jurisdiction; equity cases to be tried in county in which defendant resides

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COURTS (*Cont'd*)

TRIALS (*Cont'd*)

Place of Trial (*Cont'd*)

against whom substantial relief is prayed; suits against joint obligors, joint promisors, copartners or joint trespassers, residing in different counties, may be tried in either county; all other civil cases to be tried in county where defendant resides. (Ga. VI Sec. XVI 2, 3, 4, 6.)

Trial of facts where they arise one of greatest guarantees of lives, liberties and estates of the people. (Md. D.R. 20.)

Verification of facts, in vicinity of offense, is one of greatest securities of life, liberty and property of citizens. (Mass. Pt. I 13.)

No crime ought to be tried in any other county than that in which committed. (N.H. I 17.)

County of offense in criminal cases. (Ariz. II 24; Ark. II 10; Fla. D.R. 11; Ohio I 10; Okla. II 20; Ore. I 11; Wash. I 22; W.Va. III 14.)

County of offense unless change of venue secured. (S.C. VI 2; Utah VIII 5.)

County of offense in prosecutions by indictment or information. (Miss. III 26.)

County of offense except cases in general trial courts where judge is satisfied that an impartial jury cannot be obtained in such county. (Ga. VI Sec. XVI 6.)

County or district of offense in criminal cases. (Colo. II 16; Ill. II 9; Kan. B.R. 10; N.M. II 14.)

County or district of offense, which county or district shall have been previously ascertained by law. (Wis. I 7.)

County or district of offense in all prosecutions by indictment. (Ala. I 6.)

Parish of offense, unless changed. (La. 9.)

In counties where magistrates have separate and exclusive territorial jurisdiction, criminal causes to be tried in magistrate's district where offense committed. (S.C. V 23.)

Many states provide for jury of county, district or vicinity where offense is alleged to have been committed, but make no specific reference to place of trial. For these provisions, *See* JURIES — ORGANIZATION OF JURY.

Change of Venue

Legislature to provide by law in civil and criminal cases. (La. 169.)

Power vested in general trial court to change venue in civil and criminal cases to be exercised in manner provided by law. (Ga. VI Sec. XVII 1.)

Power in civil and criminal cases vested in courts to be exercised in manner provided by law. (Ala. IV 75; Colo. V 37; Pa. III 23; Tex. III 45.)

In all suits or actions at law issued from probate court or from any court sitting in equity, upon suggestion in writing under

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COURTS (*Cont'd*)
TRIALS (*Cont'd*)
Change of Venue (*Cont'd*)

oath of either party that such party cannot have a fair and impartial trial in court in which the same may be pending, the court shall direct case to be transmitted to some other court having jurisdiction in such case, for trial. (Md. IV 8.)

Legislature to provide for, in civil and criminal cases, over which circuit courts have original jurisdiction, on proper showing supported by affidavit that fair and impartial trial cannot be had in county where action or prosecution commenced; state to have the same right to move for as a defendant has in such offenses as the legislature may prescribe; not to be granted in criminal cases until true bill has been found by grand jury; if ordered, to be to county in same judicial district. (S.C. VI 2.)

On application of accused for good cause. (W.Va. III 14.)

On application of accused according to law. (Ark. II 10; Okla. II 20.)

In criminal prosecutions by legislature if it deems proper in cases of general insurrection when judges of superior court report impartial trial cannot be had, to nearest county in which impartial trial can be obtained. (N.H. I 17.)

Legislature may provide by general law in prosecutions by indictment or information, for change at request of either commonwealth or defendant, to most convenient county in which fair trial can be obtained. (Ky. 11.)

Legislature may provide by general law for, on application of defendant in all prosecutions by indictment; defendant need not be present when application for change is heard and determined, if imprisoned. (Ala. I 6.)

In counties where magistrates have separate and exclusive territorial jurisdiction criminal causes may be changed from one magistrate's district to another in same county under rules provided by legislature. (S.C. V 23.)

In all cases of presentment or indictment for offenses punishable by death, upon suggestion in writing under oath of either party that such party cannot have fair and impartial trial in court in which same may be pending, case to be transmitted to some other court having jurisdiction in the case for trial; in other cases of presentments or indictments party must make it appear to court that suggestion is true or that there is reasonable ground for same; same procedure when all judges of court disqualified to sit in any case. (Md. IV 8.)

By private, local or special law, prohibited. (Ala. IV 104; Cal. IV 25; Colo. V 25; Fla. III 20; Ida. III 19; Ill. IV 22; Ind. IV 22; Ky. 59; La. 48; Miss. IV 90; Mo. IV 53; Mont. V 26; Nebr. III 15; Nev. IV 20; N.J. IV Sec. VII 11; N.M. IV 24; N.D. II 69; Okla. V 46; Ore. IV 23; Pa. III 7; Tex. III 56; Utah VI 26; Va. IV 63; Wyo. III 27.)

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COURTS (*Cont'd*)

TRIALS (*Cont'd*)

Change of Venue (*Cont'd*)

By private, local or special law, prohibited, unless bill or amendment reported by commissioners to revise statutes. (N.Y. III 18, 23.)

By local or special law prohibited in criminal cases. (Ark. V 24.)

By Referee

Any civil case may be tried before practicing attorney as referee upon application of parties and order made from court; same order appointing referee. Referee to keep complete record of case including evidence, and such record shall be filed with papers in case in office of clerk. Cause subject to an appeal in manner prescribed by law. (Fla. V 20.)

Exclusion from Court Room

Court has right to exclude from court room all persons except those necessary in conduct of trial, in prosecutions for rape and assault with intent to ravish. (Ala. VI 169.)

Court has right to exclude from court room all persons except such as are necessary in conduct of trial in prosecutions for crimes against nature or other scandalous crimes. (Miss. III 26.)

Courts not to be secret. (Ore. I 10.)

Courts to be public. (S.C. I 15.)

Charge to Jury

Judges not to charge juries with respect to matters of fact, but shall declare the law. (Ark. VII 23; S.C V 26.)

Judges not to charge juries with respect to matters of fact, nor comment thereon, but shall declare law. (Ariz. VI 12; Cal. VI 19; Wash. IV 16.)

Not to charge juries with respect to matters of fact but may state the testimony and declare the law. (Nev. VI 12; Tenn. VI 9.)

Judges not to charge juries with respect to matters of fact, but may state questions of fact in issue and declare the law. (Del. IV 22.)

In jury trials judges shall reduce their charge or instructions to writing on request of either party. (Ark. VII 23.)

No judgment to be set aside or new trial granted on ground of misdirection of jury, unless after examination of entire cause, including evidence, court is of opinion that error complained of has resulted in miscarriage of justice. (Cal. VI 4½ (1914).)

UNIFORMITY OF PROVISIONS RELATING TO

All laws relating to courts to be general and of uniform operation, and organization, jurisdiction, powers, proceedings and practice of all courts of same class or grade, so far as regulated by law, and force and effect of proceedings, judgments and decrees of such courts to be uniform. (Colo. VI 28; Nebr. VI 19.)

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COURTS (*Cont'd*)

UNIFORMITY OF PROVISIONS RELATING TO (*Cont'd*)

Same; but legislature may classify county courts according to population of respective counties, and fix jurisdiction and salaries of judges accordingly. (S.D. V 34.)

All laws relating to courts to be general and of uniform operation throughout state, and organized judicial powers, proceedings and practices of all courts of same class or grade, so far as regulated by law, and force and effect of proceedings, judgments and decrees of such courts to be uniform. (Ida. V 26.)

All laws relating to courts to be general and of uniform operation throughout state, and organization, jurisdiction, powers, proceedings and practice of all courts of same class or grade, so far as regulated by law, to be uniform. (Mont. VIII 26.)

All laws relating to courts to be general and of uniform operation, and organization, jurisdiction, powers, proceedings and practice of all courts of same class or grade, so far as regulated by law, and force and effect of process, judgments and decrees of such courts to be uniform. (Ill. VI 29.)

All laws relating to courts to be general and of uniform operation, and organization, jurisdiction and powers of all courts of same class or grade, so far as regulated by law, and force and effect of process and judgments of such courts to be uniform. (Pa. V 26.)

Jurisdiction, powers, proceedings and practice of all courts or officers vested with judicial powers (except city courts) of same grade or class, so far as regulated by law, and force and effect of process, judgments and decrees of such courts to be uniform. This uniformity must be established by legislature. (Ga. VI Sec. IX 1.)

VENUE, *See above, this title,* TRIALS.

WITNESSES, *See* WITNESSES.

WRITS

See throughout this title for writs issued by particular classes of courts. For style, See above, this title, PROCESS. *For special provisions as to right in general to writs of habeas corpus, See* HABEAS CORPUS.

CRIMES

AGE OF CONSENT

For unmarried women, to be 14. (S.C. III 33.)

APPEAL, RIGHT TO, *See* COURTS —APPEALS.

ARRESTS

No person to be arrested except in cases clearly warranted by law. (Conn. I 10.)

Abuse of persons prohibited in making arrests or while under arrest. (Ga. I Sec. I 9.)

Unnecessary rigor prohibited in treatment of persons arrested. (Ind. I 15; Ore. I 13; Utah I 9.)

No act of severity which is not necessary to secure an accused person shall be permitted. (R.I. I 14.)

Treatment of prisoners, *See* PENAL INSTITUTIONS — PRISONS —INMATES.

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CRIMES (*Cont'd*)

ARRESTS (*Cont'd*)

Exemption from

See ELECTIONS — PRIVILEGES OF ELECTORS.

See LEGISLATURE — MEMBERS.

See MILITIA.

ATTAINDER, *See* ATTAINDER.

BAIL, *See* BAIL.

BARRATRY

Legislature to provide for defining and punishing. (Tex. XVI 29.)

COMMITMENTS, *See* COURTS — TRIALS — PRELIMINARY EXAMINATIONS.

COMMUTATION OF SENTENCES

In Cases of Impeachment, *See* IMPEACHMENT.

In Cases of Treason, *See* TREASON.

Indeterminate Sentences, *See below, this title,* PUNISHMENT.

Remission of Fines, Penalties and Forfeitures, *See below, this title,* REMISSION OF FINES, PENALTIES AND FORFEITURES.

Pardons, *See below, this title,* PARDONS.

Reprieves, *See below, this title,* REPRIEVES.

Power Vested in Whom

Governor Alone

Governor may grant. (Ky. 77.)

Same; subject to regulations prescribed by law. (Ore. V 14.)

Governor may grant after conviction. (Ark. VI 18; Colo. IV 7; Tex. IV 11.)

Same; subject to regulations prescribed by law relative to manner of applying. (Ill. V 13; Wyo. IV 5.)

Governor may commute penalties and remit any part of sentence after conviction. (Ga. V Sec. I 12.)

Governor may grant after conviction subject to regulations prescribed by law. (Ariz. V 5; Ind. V 17; Iowa IV 16.)

Governor may grant commutations after conviction where sentence is for two years or less, or a fine of $200 or less, subject to regulations prescribed by law relative to manner of applying. (S.D. IV 5.)

Governor may grant after conviction, upon such conditions and under such restrictions and limitations as he may think proper. (Cal. VII 1; Mich. VI 9; Mo. V 8; Nebr. V 13; N.Y. IV 5; N.C. III 6; Ohio III 1; Wis. V 6.)

Governor may grant after conviction, upon such conditions and with such restrictions and limitations as he may deem proper, subject to regulations prescribed by law. (Okla. VI 10.)

Governor may commute capital punishment. (Va. V 73; W.Va. VII 11.)

Neither governor nor legislature to have power to grant commutation of sentence in any case where convict has been twice convicted of felony, unless upon written recommendation of majority of judges of highest court. (Cal. VII 1.)

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CRIMES (*Cont'd*)

COMMUTATION OF SENTENCES (*Cont'd*)

Power Vested in Whom (*Cont'd*)

Governor (*Board Advisory Only*)

Governor may grant after conviction; board to meet on call of governor and there shall be laid before them all recommendations and petitions for commutation in cases of felony; board to hear them in open session and give opinion in writing to governor thereupon, or if board fails to advise for more than 60 days governor may grant or refuse commutation as he deems proper. (Ala. V 124.)

Governor may grant after conviction and in such manner and under such terms and under such restrictions as he may think proper; every petition for commutation may be first referred to board of pardons to be provided by legislature, to hear all such petitions under rules and regulations prescribed by law; governor may adopt recommendations of board, but if not, he shall submit reasons to legislature. (S.C. IV 11.)

Governor on Recommendation of Board

Governor may grant pardons on recommendation in writing of majority of board. (Del. VII 1; Pa. IV 9.)

Same; after conviction. (La. 70.)

Governor may grant commutation after conviction but where sentence is capital punishment, punishment for life or for more than two years, or a fine exceeding $200, no sentence to be commuted except on recommendation in writing of board of pardons, subject to regulations prescribed by law relative to manner of applying. (S.D. IV 5.)

Governor with Approval of Board

Governor with advice and consent of council may grant upon such conditions and with such restrictions and limitations as may be deemed proper. (Me. V Pt. I 11.)

Governor may grant after conviction, subject to approval of board of pardons or a majority thereof. (Mont. VII 9.)

Governor "in Conjunction" with Board

Governor, "in conjunction" with board (of which he is a member), may grant commutations after conviction, subject to regulations prescribed by law as to manner of making application. (N.D. III 76.)

Board of Pardons (*of Which Governor a Member*)

Board or majority may grant after conviction, either absolutely or on condition, subject to regulations prescribed by law relative to manner of applying. (Ida. IV 7.)

Board of pardons, by majority, including governor, may grant after conviction upon such conditions and under such limitations and restrictions as they deem proper. (Fla. IV 12; Nev. V 14; Utah VII 12.)

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CRIMES (*Cont'd*)

COMMUTATION OF SENTENCES (*Cont'd*)

Power Vested in Whom (*Cont'd*)

Legislature

Neither governor nor legislature to have power to grant commutation of sentence in any case where convict has been twice convicted of felony, unless upon written recommendation of majority of judges of highest court. (Cal. VII 1.)

No person ought to have his sentence on conviction for felony commuted, remitted or mitigated by legislature. (Vt. II 56.)

As Prescribed by Law

Legislature may provide for commutation of sentence of convicts for good behavior. (Miss. V 225.)

Composition of Board of Pardons, *See below, this title,* PARDONS.

Procedure and Regulations

Power to grant to be subject to regulations prescribed by law. (Ariz. V 5; Ind. V 17; Iowa IV 16; Okla. VI 10; Ore. V 14.)

Power to grant commutation to be subject to regulations prescribed by law relative to manner of applying therefor. (Ida. IV 7; Ill. V 13; N.D. III 76; S.D. IV 5; Wyo. IV 5.)

Hearings of board required to be on "public notice." (Pa. IV 9.)

No commutation granted except after notice of time and place of hearing. (Utah VII 12.)

No commutation to be granted until previous notice of time and place of hearing and relief applied for given by publication in newspaper of general circulation at least once a week for four weeks. (Ida. IV 7; Mont. VII 9.)

Legislature to prescribe sessions of board. (Ida. IV 7; Mont. VII 9.)

Board to meet on call of governor. (Ala. V 124.)

"Full hearing" before board required. (Del. VII 1; Ida. IV 7; Mont. VII 9; Pa. IV 9; S.D. IV 5; Utah VII 12.)

Sessions of board to be open. (Ala. V 124; Ida. IV 7; Mont. VII 9; Pa. IV 9; S.D. IV 5; Utah VII 12.)

Procedure of board to be under regulations prescribed by law. (Ida. IV 7; Mont. VII 9; S.C. IV 11.)

Board's opinion to be in writing. (Ala. V 124; Del. VII 1; La. 70; Pa. IV 9; S.D. IV 5.)

After recommendation of board filed in office of secretary of state, latter to notify governor forthwith. (Del. VII 1.)

Report of Action

Governor to file with each application for commutation, a statement of the reasons for his decision thereon, to be open to public inspection. (Ky. 77.)

Reasons of governor for rejecting recommendation of board to be submitted to legislature. (S.C. IV 11.)

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CRIMES (*Cont'd*)
COMMUTATION OF SENTENCES (*Cont'd*)
Report of Action (*Cont'd*)
In all cases of commutation governor shall file in office of secretary of state his reasons therefor. (Tex. IV 11.)
Recommendations of board, with reasons, to be filed in office of secretary of state. (Del. VII 1; Pa. IV 9; S.D. IV 5.)
Proceedings and decisions of board, with reasons in each case, together with dissent of any member disagreeing, to be reduced to writing and filed, with papers used upon hearing, in office of secretary of state. (Utah VII 12.)
Same; adds "signed by him" after "disagreeing". (Ida. IV 7; Mont. VII 9.)
Governor to send to legislature at first session, transcript of the petition or proceedings, and reasons for his action, in case of exercise of power to grant commutations. (Colo. IV 7.)
Governor to report to legislature at next meeting each case of commutation granted. (Ind. V 17; Iowa IV 16.)
Governor to report to legislature at next meeting each case of commutation granted and reasons for granting. (Ore. V 14; Wash. III 11.)
Governor annually to communicate to legislature each case of commutation granted, stating name of convict, crime for which convicted, sentence, its date and date of commutation. (N.Y. IV 5.)
Same; adds "with reasons therefor". (Wis. V 6.)
Governor to communicate to legislature at beginning of every session each case of commutation granted, stating name of convict, crime for which convicted, sentence, its date and date of commutation. (Fla. IV 11; Nev. V 13.)
Governor to report to legislature at each session each case of commutation granted, and reasons therefor. (Mich. VI 9.)
Governor to communicate to legislature at each session particulars of every punishment commuted, with reasons therefor. (Va. V 73; W.Va. VII 11.)
Governor to communicate to legislature at each session every commutation with reasons therefor, and opinion of board of pardons in each case, stating name and crime of convict, sentence, its date and date of commutation. (Ala. V 124.)
Governor to communicate to legislature at each session each case of commutation granted, stating name of convict, crime of which convicted, sentence, its date, date of commutation and conditions upon which granted. (Me. V Pt. I 11.)
Governor to communicate to legislature at each session each case of commutation granted, stating name of convict, offense for which convicted, sentence, its date, date of commutation and reasons for granting. (Ga. V Sec. I 12; Mo. V 8.)
Governor to communicate to legislature at every regular session, each case of commutation, stating name and crime of convict, sentence, its date and date of commutation. (Nebr. V 13.)

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CRIMES (*Cont'd*)

COMMUTATION OF SENTENCES (*Cont'd*)

Report of Action (*Cont'd*)

Governor shall communicate to legislature at each regular session, each case of commutation granted, stating the name of convict, crime of which he was convicted, date and place of conviction and date of commutation. (Okla. VI 10.)

Governor to communicate to legislature at each regular session each case of commutation granted, stating name of convict, crime for which convicted, sentence, its date, date of commutation, with reasons for granting. (Ark. VI 18; N.D. III 76; Ohio III 11; S.D. IV 5; Wyo. IV 5.)

Same; adds "and objection, if any, of any member of board". (Ida. IV 7; Mont. VII 9; Utah VII 12.)

Governor biennially to communicate to legislature each case of commutation granted, stating name of convict, crime for which convicted, sentence, its date, date of commutation and reasons therefor. (N.C. III 6.)

CONTEMPTS, *See* CONTEMPTS.

COUNSEL, RIGHT TO, *See* COURTS — COUNSEL, RIGHT TO.

DISPOSITION OF FINES, PENALTIES AND FORFEITURES

Fines and forfeitures collected under penal laws of state to be paid into county treasury as general county fund to be applied to costs and expenses of criminal cases where defendant is insolvent or discharged. (Fla. XVI 9.)

All net fines and forfeitures paid into treasury of county in which prosecutions begun. (Miss. XIV 261.)

Fines and penalties in justices of peace and magistrates' courts paid into county treasury. (Pa. V 13.)

Legislature to provide for utilizing fines and forfeitures for laying out and working public roads and building bridges. (Tex. XVI 24.)

Fines and penalties for infringement of ordinance relative to roads and bridges to go, when collected, into road and bridge fund of parish. (La. 292.)

Fines assessed and collected in counties, cities and townships for breach of penal laws, to be exclusively applied to support of libraries. (Mich. XI 14.)

Paid into school fund, *See* EDUCATION—FUNDS.

AS DISQUALIFICATION OR DISABILITY

For public office (including relief from disability), See PUBLIC OFFICERS.

For seat in legislature, See LEGISLATURE.

For voting, See ELECTIONS.

For jury service, See JURIES.

Pardons in cases of felony and other offenses involving moral turpitude, not to relieve from civil and political disability, unless approved by board and specifically expressed in pardon. (Ala. V 124.)

Governor may remove political disabilities resulting from conviction for offenses. (Va. V 73.)

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CRIMES (*Cont'd*)

AS DISQUALIFICATION OR DISABILITY (*Cont'd*)

Governor may remove disabilities imposed by law after conviction, except for treason and impeachment. (Ga. V Sec. I 12.)

Private, local or special law not to restore to citizenship person convicted of infamous crime. (Cal. IV 25; Ida. III 19; Ky. 59; Mont. V 26; N.M. IV 24; N.D. II 69; Wyo. III 27.)

Rights of citizenship not to be restored by private law to person convicted of infamous crime, but general law may regulate. (N.C. II 11.)

DOUBLE JEOPARDY, *See* JEOPARDY.

DUELING, *See* DUELING.

EVIDENCE, *See* EVIDENCE.

EX POST FACTO LAWS, *See* EX POST FACTO LAWS.

EXPENSES OF PROSECUTION

In criminal cases prosecuted in name of state when defendant is insolvent or discharged, costs and expenses, including fees of officers, shall be paid by counties where crime is committed, under regulations prescribed by law; but fines and forfeitures collected under penal laws of state to be paid into county treasury as general county fund to be applied to legal costs and expenses. (Fla. XVI 9.)

Expenses of criminal prosecutions, except those before justices of the peace, to be borne by county in which prosecution begun, and all net fines and forfeitures to be paid into treasury of such county. (Miss. XIV 261.)

Expenses incurred by counties in investigating and prosecuting bribery of or receiving of bribes by any person holding office under laws of state shall be charged against state and their payment by state to be provided by law. (N.Y. XIII 6.)

As to costs, See COURTS — COSTS AND FEES.

FELONY, DEFINITION OF

The term "felony" whenever occurring in constitution or laws to mean criminal offense punishable by death or imprisonment in penitentiary. (Fla. XVI 25.)

Same; adds "and none other". (Colo. XVIII 4.)

FORM OF ACCUSATION

In General

For requirement in general of due course of law, See below, this title, RIGHTS OF ACCUSED — IN GENERAL.

Criminal cases in county courts not to be by indictment, but to be by information or otherwise as prescribed by law. (S.D. V 21.)

Prosecutions in county courts may be commenced in manner provided by law; may be commenced by information by county attorney, or by affidavit, as prescribed by law; if indictment quashed in county or inferior court, person charged not to be released but held to answer information or affidavit, if probable cause of guilt. (Tex. V 29, 17.)

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CRIMES (*Cont'd*)

FORM OF ACCUSATION (*Cont'd*)

Indictment

General Rule

For cases where general rule is either indictment or information, See below, this subdivision, INDICTMENT OR INFORMATION.

For number of grand jurors necessary to find indictment, and composition, selection, etc., of grand jury, See JURIES.

Indictment required. (Ill. II 8; Tex. I 10.)

Indictment or presentment required in all cases. (Ark. II 8; Nebr. I 10; N.J. I 9; S.C. I 17; Tenn. I 14; W.Va. III 4.)

No person to be prosecuted by information in case of indictable offense. (Ala. I 8; Del. I 8; Ky. 12; Miss. III 27; Pa. I 10.)

Indictment or presentment required in all cases except as hereinafter allowed. (N.C. I 12.)

Indictment or presentment required in capital or felonious cases or in cases of infamous crime. (N.M. II 14.)

Indictment or presentment required in capital or felonious cases. (Fla. D.R. 10.)

Indictment or presentment required in capital or infamous cases. (Me. I 7; N.Y. I 6; Ohio I 10; R.I. I 7.)

Indictment or presentment required in cases, punishment for which may be death or imprisonment for life. (Conn. I 9.)

Indictment required in cases of felony until otherwise provided by law. (Colo. II 8; N.D. I 8; Wyo. I 13.)

Indictment or presentment required in case of offenses "higher" than "offenses less than felony, and in which punishment does not exceed fine of $100, or imprisonment for 30 days". (Iowa I 11.)

Indictment or presentment required in capital cases. (La. 9.)

Indictment required in cases in general trial court in case of crime or misdemeanor defined or made punishable by laws of state; amended indictment may be filed by district attorney when indictment held to be defective in form. (Ore. VII 5.)

Indictment not to be used in county courts. (S.D. V 21.)

Exceptions

For exceptions where general rule is indictment or information, See below, this subdivision, INDICTMENT OR INFORMATION.

For power of legislature to make other provisions, See subhead immediately following this one.

Cases of impeachment. (Ark. II 8; Fla. D.R. 10; Ill. II 8; Me. I 7; Nebr. I 10; N.J. I 9; N.Y. I 6; N.C. I 12; Ohio I 10; R.I. I 7; Tenn. I 14; Tex. I 10.)

Cases of misdemeanor in office by leave of court. (Miss. III 27.)

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CRIMES (*Cont'd*)
FORM OF ACCUSATION (*Cont'd*)
Indictment (*Cont'd*)
Exceptions (*Cont'd*)
Cases of oppression or misdemeanor in office by leave of court. (Ky. 12; Pa. I 10.)
Cases of oppression, extortion, misfeasance or misdemeanor in office, by leave of court. (Ala. I 8.)
Cases in which punishment is by fine, or imprisonment otherwise than in penitentiary. (Ill. II 8; Nebr. I 10; Tex. I 10.)
Cases in which punishment is fine of $100 or less, or imprisonment for 30 days or less with or without hard labor. (S.C. I 17.)
Cases "less than felony, and in which punishment does not exceed $100, or imprisonment for 30 days", tried before justice of peace or other officer authorized by law, on information under oath, without indictment, saving to defendant right of appeal. (Iowa I 11.)
Cases in which punishment is less than imprisonment in penitentiary. (Ohio I 10.)
Cases of petit larceny, under regulations of legislature. (N.Y. I 6.)
Cases cognizable by justice of peace. (N.J. I 9; R.I. I 7; W.Va. III 4.)
Same; adds "usually". (Me. I 7.)
Cases which legislature shall make cognizable by justices of peace and courts of similar jurisdiction. (Ark. II 8.)
Cases arising in militia when in actual service in time of war or public danger. (Ark. II 8; Colo. II 8; Conn. I 9; Del. I 8; Ill. II 8; Iowa I 11; Ky. 12; La. 9; Me. I 7; Nebr. I 10; N.J. I 9; N.M. II 14; N.D. I 8; Ohio I 10; Pa. I 10; R.I. I 7; S.C. I 17; Tex. I 10; Wyo. I 13.)
Same; omits "in time of war or public danger". (Miss. III 27.)
Cases arising in militia and volunteer forces when in actual service or assembled under arms as military organization. (Ala. I 8.)
Cases in militia in active service in war time, or which state, with the consent of Congress, may keep in time of peace. (Fla. D.R. 10.)
Cases of militia in actual service, and land or naval forces in time of war or which state may keep with consent of Congress in time of peace. (N.Y. I 6.)
Cases arising in land or naval forces. (Colo. II 8; Conn. I 9; Del. I 8; Ky. 12; Miss. III 27; N.D. I 8; Pa. I 10; R.I. I 7; S.C. I 17; Wyo. I 13.)
Cases arising in army or navy. (Ill. II 8; Iowa I 11; Me. I 7; Nebr. I 10; N.J. I 9; Ohio I 10; Tex. I 10.)
Cases arising in army and navy of United States. (Ark. II 8.)

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CRIMES (*Cont'd*)

FORM OF ACCUSATION (*Cont'd*)

Indictment (*Cont'd*)

Power of Legislature to Provide Other Method

In cases where general rule is indictment or information, See below, this subdivision, INDICTMENT OR INFORMATION.

May abolish grand jury system. (Ill. II 8.)

Legislature may abolish or modify grand jury system (no other provision in constitution). (Ind. VII 17.)

Legislature may change, regulate or abolish grand jury system. (Colo. II 23; Nebr. I 10; N.D. I 8; Wyo. I 9.)

Legislature may provide for holding persons to answer for any criminal offense without intervention of grand jury. (Iowa V 15.)

Legislature may provide for holding persons for answer on information of public prosecutor. (Nebr. I 10.)

In cases of misdemeanor legislature may dispense with grand jury and authorize proceedings and prosecutions before justice of peace or inferior courts. (Ala. I 8.)

Legislature, in cases not punishable by death or by imprisonment in penitentiary, may dispense with grand jury and authorize prosecutions before justices of peace or such other inferior courts as may be established, and proceedings in such cases to be regulated by law. (Miss. III 27.)

Legislature may invest corporation courts for towns and cities with jurisdiction of offense not punishable by death or imprisonment in penitentiary, with or without indictment. (Ark. VII 43.)

Legislature may provide for trial by inferior courts or justices of the peace with or without indictment by grand jury of numerous specified misdemeanors and such other misdemeanors as legislature may prescribe by vote of two-thirds of all members elected to each house. (Del. IV 30.)

Waiver

Any person held by committing magistrate to await action of grand jury on charge of felony or other infamous crime, may, in open court, with consent of court and district attorney, to be entered upon record, waive indictment and plead to information in form of indictment filed by district attorney. (N.M. XX 20.)

Indictment or Information

General Rule

For cases in which indictment is only method, See above, this subdivision, INDICTMENT.

For number of grand jurors necessary to find indictment, and composition, selection, etc., of grand jury, See JURIES.

Indictment, presentment or information by public prosecutor required in all cases. (S.D. VI 10.)

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CRIMES (*Cont'd*)

FORM OF ACCUSATION (*Cont'd*)

Indictment or Information (*Cont'd*)

General Rule (*Cont'd*)

"No person to be held to answer for any offense unless on presentment or indictment of a grand jury, or on information of the public prosecutor, after commitment by a magistrate"; after charge ignored by grand jury no person held to answer, or for trial therefor, on information of public prosecutor. (Ida. I 8.)

Indictment or information in cases of felony or misdemeanor to be concurrent remedies. (Mo. II 12.)

Cases heretofore required to be prosecuted by indictment may be prosecuted by information or indictment as prescribed by law. (Wash. I 25.)

Offenses heretofore required to be prosecuted by indictment, to be prosecuted by information, after examination and commitment by magistrate, unless examination waived by accused with consent of state, or by indictment, with or without such examination and commitment. (Utah I 13.)

Offenses heretofore required to be prosecuted by indictment, to be prosecuted by information, after examination and commitment by magistrate, or by indictment, with or without such examination and commitment, as prescribed by law. (Cal. I 8.)

Indictment or information required in all cases of felony or misdemeanor in courts of record; preliminary examination by magistrate required in cases of felony prosecuted by information, unless waived. (Ariz. II 30.)

Indictment, presentment or information required in cases of felony or misdemeanor in courts of record; preliminary examination by magistrate required in cases of felony prosecuted by information, unless waived. (Okla. II 17.)

Indictment, presentment or information by district attorney or attorney-general, required in capital cases or other infamous crimes. (Nev. I 8.)

Indictment or information required in all cases other than felony. (Colo. II 8; N.D. I. 8.)

Indictment or information required in all cases except capital crimes. (La. 9.)

Criminal actions in general trial courts, except those on appeal, to be prosecuted by information, after examination and commitment by a magistrate, or after leave granted by court, or shall be prosecuted by indictment without such examination, commitment, or leave of court. (Mont. III 8.)

All offenses triable in criminal court prosecuted upon information under oath to be filed by prosecuting attorney, but grand jury of general trial court for county in which

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CRIMES (*Cont'd*)

FORM OF ACCUSATION (*Cont'd*)

Indictment or Information (*Cont'd*)

General Rule (*Cont'd*)

criminal court is held may indict for offenses triable in the criminal court; upon the finding of indictment, the circuit judges shall commit or bail the accused for trial in the criminal court which trial shall be upon information. (Fla. V 28.)

Exceptions

For exceptions where indictment is only method, See above, this subdivision, INDICTMENT.

For power of legislature to make other provisions, See subhead immediately following this.

Cases of impeachment. (Ida. I 8; Nev. I 8; S.D. VI 10.)

Cases cognizable by county courts. (S.D. VI 10.)

Cases cognizable by justices' courts. (Ida. I 8; S.D. VI 10.)

Cases cognizable by probate courts. (Ida. I 8.)

Cases of petit larceny, under regulations of legislature. (Nev. I 8.)

Misdemeanors in police courts to be prosecuted by information. (N.D. IV 113.)

Cases in militia in actual service in time of war or public danger. (Ida. I 8; Mo. II 12; S.D. VI 10.)

Cases arising in land or naval forces. (Mo. II 12.)

Cases arising in army or navy. (S.D. VI 10.)

Cases of militia when in actual service, and land and naval forces in time of war, or which state may keep, with consent of Congress, in time of peace. (Nev. I 8.)

Power of Legislature to Provide Other Method

In cases where indictment is only method, See above, this subdivision, INDICTMENT.

Legislature may abolish or modify grand jury. (S.D. VI 10.)

Legislature may provide for prosecuting misdemeanors on affidavit. (La. 9.)

Complaint

In courts not of record, prosecution may be instituted upon sworn complaint. (Ariz. VI 9.)

Prosecutions may be instituted in courts not of record by duly verified complaint. (Okla. II 17.)

Offenses of which justices' courts and other courts inferior to general trial court have jurisdiction to be prosecuted in all courts inferior to general trial court by complaint. (Mont. III 8.)

Style

Prosecutions to be carried on in the name of the state. (Del. IV 35; Kan. III 17; Nebr. VI 24; N.M. VI 20.)

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CRIMES (*Cont'd*)
FORM OF ACCUSATION (*Cont'd*)
Style (*Cont'd*)
Prosecutions to commence "by the authority of the state of" ..... (Vt. II 31.)
Prosecutions to be carried on in name and by authority of the state of ..... (Ala. VI 170; Ind. VII 18; La. 90; Miss. VI 169; Mont. VIII 27; N.D. IV 97; Ohio IV 20; Okla. VII 19; Pa. V 23; S.D. V 38; Tex. V 12; Utah VIII 18; Wis. VII 17.)
Prosecutions to be in the name and by the authority of the commonwealth. (Ky. 123.)
Prosecutions to be carried on in the name and by authority of "the people of the state of" ..... (Cal. VI 29; Colo. VI 30; Ill. VI 33.)
Prosecutions to conclude against the peace and dignity of the state. (Ala. VI 170; Colo. VI 30; Ill. VI 33; Ky. 123; La. 90; N.D. IV 97; Pa. V 23; Tex. V 12.)
Indictments to conclude against the peace and dignity of the state. (Ark. VII 49; Minn. VI 14; Miss. VI 169; Mo. VI 38; Ohio IV 20; S.C. V 31; Tenn. VI 12; Vt. II 31; Va. VI 106; W.Va. II 8; Wis. VII 17.)
Indictments, presentments and informations to conclude against the peace and dignity of the state. (N.H. II 87.)
Indictments, informations and complaints to conclude against the peace and dignity of the state. (Okla. VII 19.)
Indictments to conclude against the peace, government and dignity of the state. (Md. IV 13.)
Indictments to conclude against the peace of this state, the government and dignity of the same. (N.J. VIII 3.)
FRAUD
Legislature may provide for punishment. (Ga. I Sec. II 6.)
GAMBLING, *See* GAMBLING.
GRAND JURIES, *See* JURIES.
HABEAS CORPUS, *See* HABEAS CORPUS.
JEOPARDY, *See* JEOPARDY.
JURY TRIAL, *See* JURIES.
LIBEL, *See* LIBEL AND SLANDER.
LIMITATION OF ACTIONS, *See* COURTS.
LOCAL, PRIVATE OR SPECIAL LAWS
No person ought to be declared guilty of treason or felony by legislature. (Vt. II 56.)
Crimes and misdemeanors not to be punished by local, private or special law. (Ariz. IV 19; Cal. IV 25; Fla. III 20; Ida. III 19; Ind. IV 22; Ky. 59; Nev. IV 20; N.M. IV 24; Ore. IV 23; Utah VI 26.)
Punishment not to be fixed by local, private or special law. (Ala. IV 104; Va. IV 63.)
Not to be punished by local or special law. (Mont. V 26; N.D. II 69; Wyo. III 27.)
LOTTERIES, *See* LOTTERIES.

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CRIMES (*Cont'd*)

MONOPOLIES AND TRUSTS, *See* MONOPOLIES AND TRUSTS.

PARDONS

In Cases of Impeachment, *See* IMPEACHMENT.

In Cases of Treason, *See* TREASON.

Restoration of Rights by, *See above, this title,* AS DISQUALIFICATION OR DISABILITY.

Reprieves, *See below, this title,* REPRIEVES.

Commutation of Sentence, *See above, this title,* COMMUTATION OF SENTENCES.

Remission of Fines, Penalties and Forfeitures, *See below, this title,* REMISSION OF FINES, PENALTIES AND FORFEITURES.

Suspension of Fines and Forfeitures, *See below, this title,* SUSPENSION OF FINES AND FORFEITURES.

Power Vested in Whom

Governor Alone

Governor may grant pardons. (Ky. 77; Md. II 20; Vt. II 20.)

Same; subject to regulations prescribed by law. (Ore. V 14.)

Pardoning power to be vested in governor under regulations and restrictions prescribed by law. (Kan. I 7; Wash. III 9.)

Governor may grant pardons after conviction. (Ark. VI 18; Miss. V 124; Tenn. III 6; Tex. IV 11; Va. V 73; W.Va. VII 11.)

Same; subject to regulations prescribed by law relative to manner of applying therefor. (Colo. IV 7; Ga. V Sec. I 12; Ill. V 13; Wyo. IV 5.)

Governor may grant pardons after conviction, subject to regulations prescribed by law. (Ariz. V 5; Iowa IV 16; N.M. V 6.)

Governor may grant pardons after conviction where sentence is for two years or less, or a fine of $200 or less, subject to regulations prescribed by law relative to manner of applying. (S.D. IV 5.)

Governor may grant pardons after conviction, but legislature may by law create a council of officers of state, without whose consent governor may not grant pardons except in cases prescribed by law. (Ind. V 17.)

Governor may grant pardons after conviction, upon such conditions and under such restrictions and limitations as he may think proper. (Nebr. V 13; N.Y. IV 5; N.C. III 6.)

Same, subject to regulations prescribed by law relative to manner of applying. (Cal. VII 1; Mich. VI 9; Mo. V 8; Ohio III 1; Wis. V 6.)

Governor may grant pardons after conviction upon such conditions and under such restrictions and limitations as he may think proper, subject to regulations prescribed by law. (Okla. VI 10.)

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CRIMES (*Cont'd*)

PARDONS (*Cont'd*)

Power Vested in Whom (*Cont'd*)

Governor Alone (*Cont'd*)

Neither governor nor legislature shall have power to grant pardons in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the judges of the supreme court. (Cal. VII 1.)

Governor may, after five years from time of offense, pardon person who has participated in duel as principal, second or otherwise, and restore him to all rights, privileges and immunities to which he was entitled before. (Ky. 240.)

Governor (*Board Advisory Only*)

Governor may, after conviction, grant pardons; board to meet on call of governor and there shall be laid before them all recommendations and petitions for pardon in cases of felony; board to hear them in open session and give opinion in writing to governor; thereupon, or if board fails to advise for more than 60 days, governor may grant or refuse pardon as he deems proper. (Ala. V 124.)

Governor may grant pardons after conviction in such manner and under such terms and such restrictions as he may think proper. Every petition for pardon may be first referred to board of pardons to be provided by legislature to hear all such petitions under rules and regulations prescribed by law. Governor may adopt recommendations of board, but if not, he shall submit reasons to legislature. (S.C. IV 11.)

Governor with "Advice" of Board

Pardoning power to be vested in governor with "advice" of council; but pardon before conviction not to be valid notwithstanding anything contained in it descriptive of offense intended to be pardoned. (Mass. Pt. II Ch. II Sec. I 8; N.H. II 51.)

Governor on Recommendation of Board

Governor may grant pardons on recommendation in writing of majority of board. (Del. VII 1; Pa. IV 9.)

Same; after conviction. (La. 70.)

Governor may grant pardons after conviction; but where a sentence is capital punishment, imprisonment for life or for more than two years, or a fine exceeding $200, no pardon to be granted, except on recommendation in writing of board of pardons; subject to regulations prescribed by law relative to manner of applying. (S.D. IV 5.)

Governor with Approval of Board

Governor may grant pardons, absolute or conditional, after conviction; but before granting governor's action to be approved by board or majority thereof. (Mont. VII 9.)

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CRIMES (*Cont'd*)

PARDONS (*Cont'd*)

Power Vested in Whom (*Cont'd*)

Governor with Approval of Board (*Cont'd*)

Governor with advice and consent of senate exclusively to exercise pardoning power to same extent as power is now exercised by legislature. (R.I. Amend. II.)

Governor with advice and consent of council may grant pardons upon such conditions and with such restrictions and limitations as may be deemed proper, subject to regulations prescribed by law relative to manner of applying. (Me. V Pt. I 11.)

Governor may grant pardons after conviction, but legislature may by law create a council of officers of state, without whose consent governor may not grant pardons except in cases prescribed by law. (Ind. V 17.)

Governor "in Conjunction" with Board

Governor, "in conjunction" with board (of which he is a member), may grant pardons after conviction, subject to regulations prescribed by law relative to manner of applying. (N.D. III 76.)

Governor, "in conjunction" with board (of which he is a member), may grant pardons after conviction; powers and duties of board to be defined and regulated by law. (Minn. V 4.)

Board of Pardons (*of Which Governor a Member*)

Board of pardons, or majority of them, of whom governor or person administering government shall be one, may grant pardons after conviction. (N.J. V 10.)

Board of pardons, or majority, may grant pardons after conviction, either absolutely or upon conditions, subject to regulations prescribed by law relative to manner of applying. (Ida. IV 7.)

Board of pardons, by majority including governor, may, upon such conditions and with such limitations and restrictions as they deem proper, grant pardons after conviction, subject to regulations prescribed by law relative to manner of applying. (Fla. IV 12; Nev. V 14; Utah VII 12.)

Legislature

Apparently in Connecticut only the legislature may grant pardons. (Conn. IV 10.)

Neither governor nor legislature shall have power to grant pardons in any case where convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the judges of the supreme court. (Cal. VII 1.)

Procedure and Regulations

Power to grant pardon to be subject to regulations prescribed by law. (Ariz. V 5; Iowa IV 16; Kan. I 7; N.M. V 6; Okla. VI 10; Ore. V 4; Wash. III 9.)

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CRIMES (*Cont'd*)
PARDONS (*Cont'd*)
Procedure and Regulations (*Cont'd*)
Power to grant pardons to be subject to regulations prescribed by law relative to manner of applying therefor. (Cal. VII 1; Colo. IV 7; Fla. IV 12; Ga. V Sec. I 12; Ida. IV 7; Ill. V 13; Me. V Pt. I 11; Mich. VI 9; Mo. V 8; Nebr. V 13; Nev. V 14; N.Y. IV 5; N.C. III 6; N.D. III 76; Ohio III 1; S.D. IV 5; Utah VII 12; Wis. V 6; Wyo. IV 5.)
Hearing of board required to be on "public notice". (Pa. IV 9.)
No pardon to be granted except after notice of time and place of hearing. (Utah VII 12.)
No pardon to be granted until previous notice of time and place of hearing and relief applied for given by publication in newspaper of general circulation at least once a week for four weeks. (Ida. IV 7; Mont. VII 9.)
In cases of felony no pardon to be granted until application has been published for 30 days in newspaper in county where crime was committed, or if none, then in adjoining county, setting forth reasons why pardon should be granted. (Miss. V 124.)
Before granting *nolle prosequi* or pardon, governor to give notice in one or more newspapers, of application therefor, and of time on which his decision will be given. (Md. II 20.)
Legislature to prescribe sessions of board. (Ida. IV 7; Mont. VII 9.)
Board to meet on call of governor. (Ala. V 124.)
"Full hearing" before board required. (Del. VII 1; Ida. IV 7; Mont. VII 9; Pa. IV 9; S.D. IV 5; Utah VII 12.)
Sessions of board to be "open". (Ala. V 124; Ida. IV 7; Mont. VII 9; Pa. IV 9; S.D. IV 5; Utah VII 12.)
Procedure of board to be under regulation prescribed by law. (Ida. IV 7; Mont. VII 9; S.C. IV 11.)
Powers and duties of board to be defined and regulated by law. (Minn. V 4.)
Board's opinion to be in writing. (Ala. V 124; Del. VII 1; La. 70; Pa. IV 9; S.D. IV 5.)
After recommendations of board filed in office of secretary of state, latter to notify governor forthwith. (Del. VII 1.)
Composition of Board of Pardons
Governor or person administering government, chancellor and six judges of highest court. (N.J. V 10.)
Governor, justices of highest court and attorney-general. (Nev. V 14.)
Governor, justices of highest court and attorney-general, until otherwise provided by law. (Utah VII 12.)
Governor, secretary of state and attorney-general. (Ida. IV 7.)
Governor, secretary of state, comptroller, attorney-general and commissioner of agriculture. (Fla. IV 12.)

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CRIMES (*Cont'd*)

PARDONS (*Cont'd*)

Composition of Board of Pardons (*Cont'd*)

Governor, attorney-general and chief justice of highest court. (Minn. V 4.)

Governor, attorney-general, chief justice of highest court and two qualified electors appointed by governor. (N.D. III 76.)

Chancellor, lieutenant-governor, secretary of state, treasurer and auditor; may require information from attorney-general on any subject relating to duties of the board. (Del. VII 2, 3.)

Lieutenant-governor, attorney-general and presiding judge of court in which conviction had. (La. 70.)

Lieutenant-governor, secretary of state, attorney-general and secretary of internal affairs. (Pa. IV 9.)

Attorney-general, secretary of state and auditor. (Ala. V 124; Mont. VII 9.)

Presiding judge, secretary of state and attorney-general. (S.D. IV 5.)

Senate. (R.I. Amend. II.)

Governor's council. (Mass. Pt. II Ch. II Sec. I 8; Me. V Pt. I 11; N.H. II 51.)

To be provided by legislature. (Ind. V 17; S.C. IV 11.)

Report of Action

Governor to file with each application for pardon a statement of reasons for his decision thereon, to be open to public inspection. (Ky. 77.)

Reasons of governor for rejecting recommendations of board to be submitted to legislature. (S.C. IV 11.)

In all cases of pardons governor shall file in office of secretary of state his reasons therefor. (Tex. IV 11.)

Recommendations of board, with reasons, to be filed in office of secretary of state. (Del. VII 1; Pa. IV 9; S.D. IV 5.)

Proceedings and decisions of board, with reasons in each case, together with dissent of any member disagreeing, to be reduced to writing and filed, with papers used upon hearing, in office of secretary of state. (Utah VII 12.)

Same; adds "signed by him" after "disagreeing". (Ida. IV 7; Mont. VII 9.)

Governor to report to either house whenever required, petitions, recommendations and reasons which influenced his decisions in case of pardon granted. (Md. II 20.)

Governor to keep record in writing of grounds of all pardons to be entered in register and laid before legislature at next session. (Del. VII 1.)

Governor to send to legislature at first session, transcript of the petition or proceedings, and reason for his action, in cases of exercise of power to grant pardons. (Colo. IV 7.)

Governor to report to legislature at next meeting each case of pardon granted. (Ind. V 17; Iowa IV 16.)

Governor to report to legislature at next session all pardons granted with report of board of pardons. (S.C. IV 11.)

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CRIMES (*Cont'd*)
PARDONS (*Cont'd*)
Report of Action (*Cont'd*)
Governor to report to legislature at next meeting each case of pardon granted and reasons for granting. (Ore. V 14; Wash. III 11.)
Governor annually to communicate to legislature each case of pardon granted, stating name of convict, crime for which convicted, sentence, its date and date of pardon. (N.Y. IV 5.)
Same; adds "with reasons therefor". (Wis. V 6.)
Governor to communicate to legislature at beginning of every session each case of pardon granted, stating name of convict, crime for which convicted, sentence, its date and date of pardon. (Fla. IV 11; Nev. V 13.)
Same; adds "reasons for granting". (Cal. VII 1.)
Governor to report to legislature at each session each case of pardon granted, and reasons therefor. (Mich. VI 9.)
Governor to communicate to legislature at each session particulars of every pardon granted, with reasons therefor. (Va. V 73; W.Va. VII 11.)
Governor to communicate to legislature at each session every pardon with reasons therefor, and opinion of board of pardons in each case, stating name and crime of convict, sentence, its date and date of pardon. (Ala. V 124.)
Governor to communicate to legislature at each session each case of pardon granted, stating name of convict, crime of which convicted, sentence, its date, date of pardon and conditions upon which granted. (Me. V Pt. I 11.)
Governor to communicate to legislature at each session each case of pardon granted, stating name of convict, offense for which convicted, sentence, its date, date of pardon and reasons for granting. (Ga. V Sec. I 12; Mo. V 8.)
Governor to communicate to legislature at each regular session each case of pardon, stating name and crime of convict, sentence, its date and date of pardon. (Nebr. V 13.)
Governor to communicate to legislature at each regular session each case of pardon granted, stating name of convict, crime of which convicted, date and place of conviction and date of pardon. (Okla. VI 10.)
Governor to communicate to legislature at each regular session each case of pardon granted, stating name of convict, crime for which convicted, sentence, its date, date of pardon, with reasons for granting. (Ark. VI 18; N.D. III 76; Ohio III 11; S.D. IV 5; Wyo. IV 5.)
Same; adds "and objection, if any, of any member of board". (Ida. IV 7; Mont. VII 9; Utah VII 12.)
Governor biennially to communicate to legislature each case of pardon granted, stating name of convict, crime for which convicted, sentence, its date, date of pardon and reasons therefor. (N.C. III 6.)

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CRIMES (*Cont'd*)

PAROLES

Governor may after conviction grant paroles; board of pardons to meet on call of governor and there shall be laid before them all recommendations and petitions for parole in cases of felony; board to hear them in open session and give opinion in writing to governor; thereupon, or if board fails to advise for more than 60 days, governor may grant or refuse parole as he deems proper; governor to communicate to legislature at each session every parole granted with reasons therefor, and opinion of board of pardons in each case, stating name and crime of convict, sentence, its date, and date of parole; as to composition of board of pardons, *See above, this title*, PARDONS. (Ala. V 124.)

Governor may grant paroles after conviction, upon such conditions and with such restrictions and limitations as he may deem proper, subject to regulations prescribed by law; governor shall communicate to legislature, at each regular session, each case of parole granted, stating name of convict, crime of which he was convicted, date and place of conviction and date of parole. (Okla. VI 10.)

POLYGAMY, *See* POLYGAMY.

PRELIMINARY EXAMINATIONS, *See* COURTS — TRIALS.

PRISONS, *See* PENAL INSTITUTIONS.

PUNISHMENT

Pardons, *See above, this title*, PARDONS.

Reprieves, *See below, this title*, REPRIEVES.

Commutation of Sentences, *See above, this title*, COMMUTATION OF SENTENCES.

Remission of Fines, Penalties and Forfeitures, *See below, this title*, REMISSION OF FINES, PENALTIES AND FORFEITURES.

Suspension of Fines and Forfeitures, *See below, this title*, SUSPENSION OF FINES AND FORFEITURES.

Nature in General

Legislature to grade all misdemeanors and minor offenses against state and fix minimum and maximum penalties therefor. (La. 159.)

Death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy office of honor, trust or profit under state, to be only punishment known to laws of state. (N.C. XI 1.)

Municipal ordinance not to fix penalty for violation thereof at less than that imposed by statute for same offense. (Ky. 168.)

Penalties to be proportioned to nature of the offense. (Ill. II 11; Ind. I 16; Nebr. I 15; Ore. I 16; W.Va. III 5.)

Penalties and punishments to be proportioned to nature of offense. (Me. I 9.)

Penalties ought to be proportioned to nature of offense. (N.H. I 18; R.I. I 8.)

Fines to be proportioned to offenses. (Vt. II 31.)

Laws for punishment to be founded on principles of reformation and prevention. (Mont. III 24.)

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CRIMES (*Cont'd*)
PUNISHMENT (*Cont'd*)
Nature in General (*Cont'd*)
Penal code to be framed on humane principles of reformation and prevention. (Wyo. I 15.)
Punishments to be founded on principles of reformation not vindictive justice. (N.H. I 18; Ore. I 15.)
Penal code to be founded on principles of reformation not vindictive justice. (Ind. I 18.)
Excessive fines prohibited. (Ala. I 15; Ariz. II 15; Ark. II 9; Cal. I 6; Colo. II 20; Conn. I 13; Del. I 11; Fla. D.R. 8; Ga. I Sec. I 9; Ida. I 6; Ind. I 16; Iowa I 17; Kan. B.R. 9; Ky. 17; La. 12; Me. I 9; Md. D.R. 25; Mass. Pt. I 26; Mich. II 15; Miss. III 28; Mo. II 25; Mont. III 20; Nebr. I 9; Nev. I 6; N.H. I 33; N.J. I 15; N.M. II 13; N.Y. I 5; N.C. I 14; N.D. I 6; Ohio I 9; Okla. II 9; Ore. I 16; Pa. I 13; R.I. I 8; S.C. I 19; S.D. IV 23; Tenn. I 16; Tex. I 13; Utah I 9; Va. I 9; Wash. I 14; W.Va. III 5; Wis. I 6; Wyo. I 14.)
No fine to be laid on any citizen of state that shall exceed $50 unless assessed by jury of his peers at time they find the fact, if they think the fine should be more than $50. (Tenn. VI 14.)
Indefinite imprisonment prohibited. (Fla. D.R. 8.)
Treatment of persons under arrest, *See above, this title,* ARRESTS.
Treatment of persons in prison, *See* PENAL INSTITUTIONS — PRISONS — INMATES.
Capital Punishment
Abolished; maximum punishment to be life imprisonment; provision to be self-executing. (Ore. I 36 (1914).)
"Murder, arson, burglary and rape, and these only, may be punishable with death", if legislature "shall so enact". (N.C. XI 2.)
Rule that laws for punishment should be founded on principles of reformation and prevention not to affect power of legislature to provide for capital punishment. (Mont. III 24.)
Corporal Punishment
Prohibited. (S.C. I 19.)
Whipping as punishment for crime prohibited. (Ga. I Sec. I 7.)
No person to be subject to, under military law, except such as are employed in army or navy, or in militia when in actual service in time of war or public danger. (Me. I 14.)
Corruption of Blood
No conviction to work. (Ala. I 19; Ariz. II 16; Colo. II 9; Ga. I Sec. II 3; Ill. II 11; Ind. I 30; Kan. B.R. 12; Md. D.R. 27; Minn. I 11; Mo. II 13; Mont. III 9; Nebr. I 15; Ohio I 12; Okla. II 15; Ore. I 25; S.C. I 8; Tenn. I 12; Tex. I 21; Wash. I 15; W.Va. III 18; Wis. I 12.)
As to attainder, See ATTAINDER.
As to treason, See TREASON.

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CRIMES (*Cont'd*)

PUNISHMENT (*Cont'd*)

Cruel or Unusual

Prohibited. (Ala. I 15; Ariz. II 15; Ark. II 9; Cal. I 6; Colo. II 20; Fla. D.R. 8; Ga. I Sec. I 9; Ida. I 6; Ind. I 16; Iowa I 17; Kan. B.R. 9; La. 12; Me. I 9; Mich. II 15; Minn. I 5; Miss. III 28; Mo. II 25; Mont. III 20; Nebr. I 9; Nev. I 6; N.J. I 15; N.M. II 13; N.Y. I 5; N.C. I 14; N.D. I 6; Ohio I 9; Okla. II 9; Ore. I 16; S.C. I 19; Tenn. I 16; Tex. I 13; Utah I 9; W.Va. III 5; Wis. I 6.)

Ought not to be inflicted. (Va. I 9.)

Ought not to be inflicted by courts of law. (Md. D.R. 25.)

Not to be inflicted by magistrates or courts of law. (Mass. Pt. I 26; N.H. I 33.)

Cruel and unlawful punishment not to be inflicted. (Wyo. I 14.)

Cruel punishments not to be inflicted. (Del. I 11; Ky. 17; Pa. I 13; R.I. I 8; S.D. VI 23; Wash. I 14.)

Sanguinary, *See below, this subdivision*, SANGUINARY LAWS.

Exclusion from State

No citizen to be exiled. (Ala. I 30.)

No person to be exiled from state. (Ark. II 21.)

Same; as punishment for crime. (Ga. I Sec. I 7.)

No person to be exiled, but by judgment of peers or law of the land. (Md. D.R. 23; Mass. Pt. I 12; N.H. I 5; Tenn. I 8.)

Same; omits "judgment of his peers". (N.C. I 17.)

No person to be transported from state for offense committed within state. (Ill. II 11; Kan. B.R. 12; Nebr. I 15; Ohio I 12; Tex. I 20.)

No person to be liable to be transported out of state for offense committed within state. (Vt. I 21.)

No person to be transported out of or forced to leave state for offense committed within same. (W.Va. III 5.)

No person to be transported out of state for any offense committed within state, nor transported out of state for any purpose, without his consent, except by due process of law; but this not to prevent operation of extradition laws or transporting of persons sentenced for crime to other states for purpose of incarceration. (Okla. II 29.)

Forfeiture of Estate

No conviction to work forfeiture of estate. (Ala. I 19; Ariz. II 16; Colo. II 9; Ga. I Sec. II 3; Ill. II 11; Ind. I 30; Kan. B.R. 12; Md. D.R. 27; Minn. I 11; Mo. II 13; Mont. III 9; Nebr. I 15; Ohio I 12; Ore. I 25; S.C. I 8; Tenn. I 12; Tex. I 21; Wash. I 15; W.Va. III 18; Wis. I 12.)

Same; but this not to prohibit fines. (Okla. II 15.)

In case of death by accident, *See* DEATH.

As to attainder, See ATTAINDER.

As to treason, See TREASON.

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CRIMES (*Cont'd*)
PUNISHMENT (*Cont'd*)
Indeterminate Sentences
Legislature may provide by law for indeterminate sentences and for detention or release of persons imprisoned or detained on said sentence. (Mich. V 28.)
"Indefinite imprisonment" not allowed. (Fla. D.R. 8.)
Labor of Convicts, *See* CONVICT LABOR.
Local, Private or Special Laws, *See above, this title,* LOCAL, PRIVATE OR SPECIAL LAWS.
Outlawry
No citizen shall be outlawed. (Tex. I 20.)
No person to be outlawed but by law of the land. (N.C. I 17.)
Same; adds "or by judgment of his peers". (Ark. II 21; Md. D.R. 23; Mass. Pt. I 12; N.H. I 15; Tenn. I 8.)
Sanguinary Laws
See also above, this subdivision, CRUEL OR UNUSUAL.
Prohibited. (Me. I 9.)
Ought to be avoided as far as consistent with safety of state. (Md. D.R. 16.)
A multitude of sanguinary laws is both impolitic and unjust. (N.H. I 18.)
REMISSION OF FINES, PENALTIES AND FORFEITURES
See also above, this title, COMMUTATION OF SENTENCES.
In Case of Treason, *See* TREASON.
Suspension of Fines and Forfeitures, *See below, this title,* SUSPENSION OF FINES AND FORFEITURES.
Pardons, *See above, this title,* PARDONS.
Reprieves, *See below, this title,* REPRIEVES.
Power Vested in Whom
Governor Alone
Governor may remit fines. (Miss. V 124; Vt. II 20.)
Governor may remit fines and forfeitures. (Del. VII 1; Ky. 77; Pa. IV 9.)
Governor may remit fines and forfeitures unless otherwise directed by law. (S.C. IV 11.)
Governor may remit fines and forfeitures, but shall not remit principal or interest of any debt due the state except in cases of fines and forfeitures. (Md. II 20.)
Governor may remit fines and forfeitures under regulations prescribed by law. (Ala. V 124; Ark. VI 18; Ind. V 17; Iowa IV 16; Ore. V 14; Tex. IV 11; Wash. III 11.)
Governor may remit fines and penalties in such cases and under such regulations as prescribed by law. (Va. V 73; W.Va. VII 11.)
Governor may "commute penalties and remit any part of sentence" after conviction. (Ga. V Sec. I 12.)
Governor may remit fines and forfeitures after conviction, subject to regulations prescribed by law as to manner of making application. (Wyo. IV 5.)

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CRIMES (*Cont'd*)

REMISSION OF FINES, PENALTIES AND FORFEITURES (*Cont'd*)

Power Vested in Whom (*Cont'd*)

Governor Alone (*Cont'd*)

Governor may remit fines and forfeitures after conviction if $200 or less, subject to regulations prescribed by law relative to manner of making application therefor. (S.D. IV 5.)

Governor on Recommendation of Board

Governor may remit fines and forfeitures after conviction on recommendation in writing of majority of board. (La. 70.)

Governor may remit fines and forfeitures after conviction, but where fine exceeds $200 not to be remitted except on recommendation in writing of board, subject to regulations prescribed by law relative to manner of making application. (S.D. IV 5.)

Governor with Approval of Board

Governor may remit fines and forfeitures, "for offenses against criminal laws of state", after conviction, but action to be approved by board or majority thereof. (Mont. VII 9.)

Governor with advice and consent of council may remit, after conviction, all forfeitures and penalties. (Me. V Pt. I 11.)

Governor may, with consent of senate, remit forfeitures. (Miss. V 124.)

Governor "in Conjunction" with Board

Governor, in conjunction with board (of which he is a member), may remit fines and forfeitures after conviction, subject to regulations prescribed by law as to manner of making application. (N.D. III 76.)

Board of Pardons (*of Which Governor a Member*)

Board of pardons, or majority, may remit fines and forfeitures after conviction, either absolutely or on conditions; subject to regulations prescribed by law relative to manner of making application. (Ida. IV 7.)

Board of pardons, by majority, including governor, may, upon such conditions and under such limitations and restrictions as they deem proper, remit fines and forfeitures after conviction. (Fla. IV 12; Nev. V 14; Utah VII 12.)

Board of pardons, or majority of them, of whom governor or person administering government shall be one, may remit fines and forfeitures after conviction. (N.J. V 10.)

Legislature

Fine, penalty or judgment against officer not to be remitted by law. (N.M. IV 25.)

Local, Private or Special Law

Fines, penalties or forfeitures not to be remitted by local, private or special law. (Ala. IV 104; Ariz. IV 19; Cal. IV 25;

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CRIMES (*Cont'd*)

REMISSION OF FINES, PENALTIES AND FORFEITURES (*Cont'd*)

Local, Private or Special Law (*Cont'd*)

Colo. V 25; Ida. III 19; Ill. IV 22; Ky. 59; La. 48; Minn. IV 33; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.D. III 23; Tex. III 56; Utah VI 26; Wash. II 28; W.Va. VI 39; Wyo. III 27.)

Title to forfeited lands not to be released by local or special law. (W.Va. VI 39.)

Composition of Board of Pardons, *See above, this title,* PARDONS.

Procedure and Regulations

Power to remit to be subject to regulations prescribed by law. (Ala. V 124; Ark. VI 18; Ind. V 17; Iowa IV 16; Ore. V 14; S.C. IV 11; Tex. IV 11; Va. V 73; Wash. III 11; W.Va. VII 11.)

Power to remit to be subject to regulations prescribed by law relative to manner of making application therefor. (Ida. IV 7; N.D. III 76; S.D. IV 5; Wyo. IV 5.)

No fine or forfeiture to be remitted except after full hearing before the board in open session after notice of time and place of hearing. (Utah VII 12.)

Legislature to prescribe sessions of board and regulate proceedings, but no fine or forfeiture to be remitted except by decision of majority after full hearing and open session, and until previous notice of time and place of hearing and relief applied for given by publication in newspaper of general circulation at least once a week for four weeks. (Ida. IV 7; Mont. VII 9.)

Recommendation of board to be in writing. (La. 70.)

Report of Action

Governor to file with each application for remission of fines and forfeitures, a statement of reasons for his decision thereon, to be open to public inspection. (Ky. 77.)

In all cases of remission of fines and forfeitures, governor shall file in office of secretary of state his reasons therefor. (Tex. IV 11.)

Recommendations of board of pardons, with reasons, to be filed in office of secretary of state. (S.D. IV 5.)

Proceedings and decisions of board, with reasons in each case, together with dissent of any member disagreeing, to be reduced to writing and filed, with papers used upon hearing, in office of secretary of state. (Utah VII 12.)

Same; adds "signed by him" after "disagreeing". (Ida. IV 7; Mont. VII 9.)

Governor to report to either house whenever required, petitions, recommendations and reasons which influenced his decisions in case of remission of fines and forfeitures. (Md. II 20.)

Governor to keep record in writing of grounds of all remissions to be entered in register and laid before legislature at next session. (Del. VII 1.)

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CRIMES (*Cont'd*)

REMISSION OF FINES, PENALTIES AND FORFEITURES (*Cont'd*)

Report of Action (*Cont'd*)

Governor to report to legislature at next meeting names of all persons in whose favor remission of fines and forfeitures have been made and amounts remitted. (Ind. V 17; Iowa IV 16; Ore. V 14.)

Same; adds "with reasons". (Wash. III 11.)

Governor to communicate to legislature at beginning of every session each case of fine and forfeiture remitted, stating name of convict, crime for which convicted, sentence, its date and date of remission. (Fla. IV 11; Nev. V 13.)

Governor to communicate to legislature at each session, particulars of every case of fine or penalty remitted, with reasons therefor. (Va. V 73; W.Va. VII 11.)

Governor to communicate to legislature at each session every remission of fines and forfeitures, stating name and crime of convict, sentence and its date. (Ala. V 124.)

Governor to communicate to legislature at each session, each case of remission of penalty granted, stating name of convict, crime of which convicted, sentence and its date, and date of remission and conditions upon which granted. (Me. V Pt. I 11.)

Governor to communicate to legislature at each regular session each case of remission of fine or forfeiture, stating name of convict, crime for which convicted, sentence, its date, date of remission, with reasons for granting. (N.D. III 76; S.D. IV 5; Wyo. IV 5.)

Same; adds "and objections, if any, of any member of board". (Ida. IV 7; Mont. VII 9; Utah VII 12.)

REPEAL OR AMENDMENT OF LAW, EFFECT OF, *See* LAWS.

REPRIEVES

In Cases of Impeachment, *See* IMPEACHMENT.

In Cases of Treason, *See* TREASON.

Suspension of Fines and Forfeitures, *See below, this title,* SUSPENSION OF FINES AND FORFEITURES.

Power to Grant

Governor may grant reprieves. (Ky. 77; La. 70; Md. II 20; Miss. V 124; Pa. IV 9.)

Governor may grant reprieves, subject to regulations prescribed by law. (Ore. V 14.)

Governor may grant reprieves after conviction. (Ala. V 124; Ark. VI 18; Colo. IV 7; Ga. V Sec. I 12; Mont. VII 9; Tenn. III 6; Tex. IV 11; Va. V 73; W.Va. VII 11.)

Governor may grant reprieves after conviction, subject to regulations prescribed by law. (Ariz. V 5; Ind. V 17; Iowa IV 16; N.M. V 6.)

Governor may grant reprieves after conviction, subject to regulations prescribed by law relative to manner of applying therefor. (Ill. V 13; S.D. IV 5; Wyo. IV 5.)

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CRIMES (*Cont'd*)
REPRIEVES (*Cont'd*)
Power to Grant (*Cont'd*)
Governor may grant reprieves after conviction, upon such conditions and under such restrictions and limitations as he may think proper. (Cal. VII 1; Mich. VI 9; Mo. V 8; Nebr. V 13; N.Y. IV 5; N.C. III 6; Ohio III 1; S.C. IV 11; Wis. V 6.)
Same; adds "subject to regulations prescribed by law". (Okla. VI 10.)
Governor may grant reprieves for not exceeding 60 days. (Fla. IV 11.)
Governor may grant reprieves for not exceeding 60 days after conviction. (Nev. V 13.)
Governor or person administering government may grant reprieves not exceeding 90 days after conviction. (N.J. V 9.)
Governor may grant reprieves after conviction until end of next session of legislature. (Conn. IV 10; R.I. VII 4.)
Governor may grant reprieves, but no reprieve for more than six months to be granted except on recommendation in writing of majority of board of pardons after full hearing; and such recommendations with reasons therefor to be filed and recorded in office of secretary of state who forthwith notifies governor. (Del. VII 1.)
Governor may grant reprieves not to extend beyond next session of board of pardons and board to continue or determine reprieve, or may commute punishment or pardon offense. (Ida. IV 7; Utah VII 12.)
Governor, "in conjunction" with board of pardons (of which he is a member), may grant reprieves after conviction, subject to regulations prescribed by law as to manner of making application. (N.D. III 76.)
Governor, "in conjunction" with board of pardons (of which he is a member), may grant reprieves after conviction; powers and duties of board to be defined and regulated by law. (Minn. V 4.)
Governor, with advice and consent of council, may grant reprieves upon such conditions and with such restrictions and limitations as may be deemed proper. (Me. V Pt. I 11.)
Composition of Board of Pardons, See above, this title, PARDONS.
Report of Action
Governor to file with each application for reprieve a statement of reasons for his decision thereon, to be open to public inspection. (Ky. 77.)
In all cases of reprieves governor to file in office of secretary of state his reasons therefor. (Tex. IV 11.)
Recommendations of board of pardons with reasons to be filed in office of secretary of state. (Del. VII 1.)
Governor to report to either house whenever required, petitions, recommendations and reasons which influenced his decisions in case of reprieve granted. (Md. II 20.)

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CRIMES (*Cont'd*)

REPRIEVES (*Cont'd*)

Report of Action (*Cont'd*)

Governor to keep record in writing of grounds of all reprieves to be entered in register and laid before legislature at next session. (Del. VII 1.)

Governor to send to legislature at first session, transcript of the petition or proceedings, and reasons for his action, in case of exercise of power to grant reprieves. (Colo. IV 7.)

Governor to report to legislature at next meeting each case of reprieve granted. (Ind. V 17; Iowa IV 16.)

Same; adds "and reasons for granting". (Ore. V 14; Wash. III 11.)

Governor annually to communicate to legislature each case of reprieve granted, stating name of convict, crime for which convicted, sentence, its date and date of reprieve. (N.Y. IV 5.)

Same; adds "with reasons therefor". (Wis. V 6.)

Governor to communicate to legislature at beginning of every session each case of reprieve granted, stating name of convict, crime for which convicted, sentence, its date and date of reprieve. (Fla. IV 11; Nev. V 13.)

Same; adds "and reasons for granting". (Cal. VII 1.)

Governor to report to legislature at each session each case of reprieve granted and reasons therefor. (Mich. VI 9.)

Governor to communicate to legislature at each session particulars of every reprieve granted, with reasons therefor. (Va. V 73; W.Va. VII 11.)

Governor to communicate to legislature at each session each case of reprieve granted, stating name of convict, crime for which convicted, sentence, its date, date of reprieve and conditions upon which granted. (Me. V Pt. I 11.)

Governor to communicate to legislature at each session each case of reprieve granted, stating name of convict, offense for which convicted, sentence, its date, date of reprieve and reasons for granting. (Ala. V 124; Ga. V Sec. I 12; Mo. V 8.)

Governor to communicate to legislature at every regular session each case of reprieve, stating name and crime of convict, sentence, its date, and date of reprieve. (Nebr. V 13.)

Governor to communicate to legislature, at each regular session, each case of reprieve granted, stating name of convict, crime for which convicted, date and place of conviction and date of reprieve. (Okla. VI 10.)

Governor to communicate to legislature at each regular session each case of reprieve granted, stating name of convict, crime for which convicted, sentence, its date, date of reprieve, with reasons for granting. (Ark. VI 18; N.D. III 76; Ohio III 11; S.D. IV 5; Wyo. IV 5.)

Same; adds "and objection, if any, of any member of board". (Ida. IV 7; Mont. VII 9; Utah VII 12.)

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CRIMES (*Cont'd*)
REPRIEVES (*Cont'd*)
Report of Action (*Cont'd*)
Governor biennially to communicate to legislature each case of reprieve granted, stating name of convict, crime for which convicted, sentence, its date, date of reprieve and reasons therefor. (N.C. III 6.)
RIGHTS OF ACCUSED
See also throughout this title.
In General
See also LIFE, LIBERTY AND PROPERTY.
Accused not to be deprived of life, liberty or property, except by due process of law. (Ala. I 6.)
Same; "course" instead of "process". (Conn. I 9.)
Accused not to be deprived of life, liberty or property, except by judgment of his peers or by the law of the land. (Del. I 7; Ky. 11; Pa. I 9; R.I. I 10.)
Same; adds "or privileges" after "property". (Me. I 6.)
No person to be arrested, detained or punished, except in cases clearly warranted by law. (Conn. I 10.)
No person to be held to answer for criminal offense without due process of law. (Minn. I 7; Wis. I 8.)
No person to be accused except in cases ascertained by law, and according to form of law. (Ala. I 7.)
To See Counsel
In capital cases accused has right to see counsel at proper seasons. (Del. I 12.)
Right to counsel, *See* COURTS — COUNSEL, RIGHT TO.
To See Friends
In capital cases accused has right to see friends at proper seasons. (Del. I 12.)
To Know Accusation
Right of accused confirmed. (Ala. I 6; Ariz. II 24; Ark. II 10; Colo. II 16; Conn. I 9; Del. I 7; Fla. D.R. 11; Ill. II 9; Ind. I 13; Iowa I 10; Kan. B.R. 10; Ky. 11; La. 10; Me. I 6; Md. D.R. 21; Mass. Pt. I 12; Mich. II 19; Minn. I 6; Miss. III 26; Mo. II 22; Mont. III 16; Nebr. I 11; N.H. I 15; N.J. I 8; N.M. II 14; N.C. I 11; Ohio I 10; Okla. II 20; Ore. I 11; Pa. I 9; R.I. I 10; S.C. I 18; S.D. VI 7; Tenn. I 9; Tex. I 10; Utah I 12; Vt. I 10; Va. I 8; Wash. I 22; W.Va. III 14; Wis. I 7; Wyo. I 10.)
Accused to have copy of charge. (Ala. I 6; Ariz. II 24; Ark. II 10; Fla. D.R. 11; Ga. I Sec. I 5; Ill. II 9; Ind. I 13; Iowa I 10; Me. I 6; Md. D.R. 21; Nebr. I 11; Ohio I 10; Okla. II 20; Ore. I 11; S.D. VI 7; Tenn. I 9; Tex. I 10; Utah I 12; Wash. I 22; Wyo. I 10.)
In criminal prosecutions every man to have copy of charge in due time to prepare for defense. (Md. D.R. 21.)
Accused to have copy of charge and testimony interpreted to him in language he understands. (N.M. II 14.)

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CRIMES (*Cont'd*)

RIGHTS OF ACCUSED (*Cont'd*)

To Secure Evidence

Accused has right in all criminal prosecutions to compulsory process to obtain witnesses in his favor. (Ala. I 6; Ariz. II 24; Ark. II 10; Cal. I 13; Colo. II 16; Conn. I 9; Fla. D.R. 11; Ga. I Sec. I 5; Ida. I 13; Ill. II 9; Ind. I 13; Iowa I 10; Kan. B.R. 10; Ky. 11; La. 9; Me. I 6; Md. D.R. 21; Mich. II 19; Minn. I 6; Miss. III 26; Mo. II 22; Mont. III 16; Nebr. I 11; N.J. I 8; N.M. II 14; N.D. I 13; Ohio I 10; Okla. II 20; Ore. I 11; Pa. I 9; R.I. I 10; S.C. I 18; S.D. VI 7; Tenn. I 9; Tex. I 10; Utah I 12; Wash. I 22; W.Va. III 14; Wis. I 7; Wyo. I 10.)

A man has right in all criminal prosecutions to call for evidence in his favor. (Vt. I 10; Va. I 8.)

Accused has right to compulsory process in due time, on application by himself, his friends or counsel, for obtaining witnesses in his favor. (Del. I 7.)

Every subject to have right to produce all proofs that may be favorable to him in criminal cases. (Mass. Pt. I 12; N.H. Pt. I 15.)

Every man in criminal prosecutions to have right to confront accusers and witnesses with other testimony. (N.C. I 11.)

To Examine Witnesses

Every man has right in all criminal prosecutions to examine witnesses for and against him. (Md. D.R. 21.)

Accused has right to be confronted with witnesses against him in all criminal prosecutions. (Ala. I 6; Ariz. II 24; Ark. II 10; Colo. II 16; Conn. I 9; Del. I 7; Fla. D.R. 11; Ga. I Sec. I 5; Ill. II 9; Ind. I 13; Iowa I 10; Kan. B.R. 10; Ky. 11; La. 9; Me. I 6; Md. D.R. 21; Mass. Pt. I 12; Mich. II 19; Minn. I 6; Miss. III 26; Mo. II 22; Mont. III 16; Nebr. I 11; N.H. I 15; N.J. I 8; N.M. II 14; Ohio I 10; Okla. II 20; Ore. I 11; Pa. I 9; R.I. I 10; S.C. I 18; S.D. VI 7; Tenn. I 9; Tex. I 10; Utah I 12; Vt. I 10; Va. I 8; Wash. I 22; W.Va. III 14; Wis. I 7; Wyo. I 10.)

Man has right to be confronted with accusers. (Va. I 8.)

Right of person charged with offense to be furnished with list of witnesses against him. (Ga. I Sec. I 5; Okla. II 20.)

Depositions, *See* EVIDENCE.

To Be Heard

Accused has right to be heard in his own defense. (Ala. I 6; Ariz. II 24; Ark. II 10; Cal. I 13; Colo. II 16; Conn. I 9; Del. I 7; Fla. D.R. 11; Ida. I 13; Ill. II 9; Ind. I 13; Kan. B.R. 10; Ky. 11; Me. I 6; Md. D.R. 21; Mass. Pt. I 12; Miss. III 26; Mo. II 22; Mont. III 16; Nebr. I 11; Nev. I 8; N.H. I 15; N.M. II 14; N.Y. I 6; N.D. I 13; Ohio I 10; Okla. II 20; Ore. I 11; Pa. I 9; R.I. I 10; S.C. I 18; S.D. VI 7; Tenn. I 9; Tex. I 10; Utah I 12; Vt. I 10; Wash. I 22; W.Va. III 14; Wis. I 7; Wyo. I 10.)

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CRIMES (*Cont'd*)
RIGHTS OF ACCUSED (*Cont'd*)
Exemption from Testifying, *See* EVIDENCE.
To Testify in Own Behalf
Accused to have right to testify in his own behalf in criminal prosecutions. (Ariz. II 24; Utah I 12; Wash. I 22.)
Person charged with receiving bribe, or with offering or promising bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor. (N.Y. XIII 4.)
Innocence, Presumption of
Every man presumed innocent until pronounced guilty. (R.I. I 14.)
SEARCHES AND SEIZURES, *See* SEARCHES AND SEIZURES.
SUSPENSION OF FINES AND FORFEITURES
Remission, *See above, this title,* REMISSION OF FINES, PENALTIES AND FORFEITURES.
Governor may suspend collection of fines and forfeitures for not exceeding 60 days. (Fla. IV 11.)
Governor may suspend collection of fines and forfeitures for not exceeding 60 days after conviction. (Nev. V 13.)
Governor or person administering government may suspend collection of fines and forfeitures for not exceeding 90 days after conviction. (N.J. V 9.)
Governor may stay collection of forfeitures until end of next session of legislature. (Miss. V 124.)
TREASON, *See* TREASON.
TRIALS, *See* COURTS.
VAGRANCY
Legislature at first session to enact effective vagrant laws. (Tex. III 46.)
WITNESSES
See above, this title, RIGHTS OF ACCUSED.
See WITNESSES.

CRUEL AND UNUSUAL PUNISHMENT, *See* CRIMES — PUNISHMENT.

DEAF AND DUMB, *See* CHARITIES.

DEATH
See also INJURIES.
See also LIFE, LIBERTY AND PROPERTY.
Capital punishment, *See* CRIMES.
Employer's liability, *See* LABOR.
Decedents' estates, *See* DECEDENTS' ESTATES.
Estates of suicides, *See* SUICIDES.
When death caused by wrongful act, neglect or default such as would, if death had not ensued, have entitled injured party to recover, person or corporation who would have been liable if death had not ensued, to be liable in action for damages notwithstanding death of person injured, and legislature to provide at first session for enforcement of right. (Wyo. IX 4.)
Whenever death results from injury inflicted by negligence or wrongful act, damages may be recovered from "corporation and persons" so caus-

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DEATH (*Cont'd*)

ing same. Personal representative of deceased to prosecute action until otherwise provided by law, and legislature may provide "how recovery shall go and to whom belong"; until so decided recovery to form part of estate of deceased. (Ky. 241.)

Every person, corporation or company that commits homicide through wilful act or omission or gross neglect, responsible in exemplary damages to surviving husband, wife or heirs without regard to any criminal proceeding. (Tex. XVI 26.)

Right of action to recover damages for injuries resulting in death not to be abrogated, and amount recoverable not to be subject to statutory limitation. (Okla. XXIII 7; Utah XVI 5.)

Same; but nothing contained in constitution construed to limit power of legislature to enact laws for payment of compensation for death of employees resulting from injuries and to provide that the right of such compensation and remedy therefor shall be exclusive of all other rights and remedies for death resulting from such injuries or to provide that amount of such compensation for death shall not exceed a fixed or determinable sum. (N.Y. I 18, 19.)

No law to limit amount of damages to be recovered for causing death of any person. (Ariz. II 31; Wyo. X 4.)

Legislature to have no power to limit amount to be recovered for injuries resulting in death. (Ky. 54.)

Amount of damages recoverable by civil action for death caused by wrongful act, neglect or default of another, not to be limited by law. (Ohio I 19a.)

Legislature not to limit amount to be recovered for injuries resulting in death, but in case of death from such injuries, right of action to survive, and legislature to prescribe for whose benefit action to be prosecuted. (Ark. V 32; Pa. III 21.)

If person killed by accident no forfeiture to be thereby incurred. (Del. I 15; Ky. 21; Mo. II 13; Pa. I 19; Tenn. I 12.)

Article accidentally occasioning death of any person not to be deemed a deodand or in any way forfeited on account of such misfortune. (N.H. II 88; Vt. II 61.)

DEBTS

Bondage for, *See* BONDAGE FOR DEBT.

Imprisonment for, *See* IMPRISONMENT FOR DEBT.

Exemption from execution for debt, *See* EXEMPTIONS FROM FORCED SALE.

Public debt, *See* STATE DEBT, *and See the subhead* DEBT *under the titles* "BOROUGHS", "CITIES", "COUNTIES", "DISTRICTS", "MUNICIPALITIES", "TOWNS", "TOWNSHIPS", "VILLAGES", *and* "EDUCATION — SCHOOL DISTRICTS".

Legislature to provide by law for reaching property of debtor concealed from creditor. (Ga. I Sec. II 6.)

Legislature not to pass any law staying collection of debts, commonly known as "stay laws", but such prohibition not to be construed as prohibiting any legislation which legislature may deem necessary to provide for exemptions. (Va. XIV 194.)

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DEBTS (*Cont'd*)

Method for collection not to be provided or changed by private, local or special law. (La. 48; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56; Va. IV 63.)

Nothing contained in constitution to impair validity of. (Tenn. XI 2.)

Grants of land within state by king of Great Britain or persons acting under his authority after October 14, 1775, to be null and void, but "nothing contained in this constitution" shall impair the obligation of any debts contracted "by the state or individuals or bodies corporate". (N.Y. I 17.)

DECEDENTS' ESTATES

For provisions relating to instruments in general, and so to instruments affecting decedents' estates, See INSTRUMENTS.

ALIENS' RIGHTS, *See* ALIENS.

COUNTY PUBLIC ADMINISTRATOR

To be elected in each county; term two years and until successor qualifies. (Mont. XVI 5.)

Legislature to provide for election by people; to fix by law compensation, powers and duties; to have power to consolidate or abolish office. (Nev. IV 32.)

DESCENT

Private or special law not to constitute one person the heir-at-law of another. (S.D. III 23; Utah VI 26; Wash. II 28; Wis. IV 31.)

Law not to be changed by local or special law. (Colo. V 25; Ill. IV 22; Mont. V 26; Nebr. III 15; N.J. IV Sec. VII 11; N.M. IV 24; N.D. II 69; W.Va. VI 39; Wyo. III 27.)

Law of descent or succession not to be changed by local or special law. (Ariz. IV 19; Cal. IV 25; Ida. III 19; La. 48; Minn. IV 33; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56; Utah VI 26.)

Law of descent or distribution not to be changed by local, private or special law. (Miss. IV 90.)

Law of descent or distribution not to be established by local, private or special law. (Ala. IV 104.)

Law of descent or distribution or succession not to be changed by local or special law. (Ky. 59.)

Children of parents, one or both of whom were slaves during cohabitation and who were recognized by father as his children, and whose mother was recognized by father as his wife, and cohabited with as such, to be as capable of inheriting father's estate as if born in lawful wedlock. (Va. XIV 195.)

ESCHEAT, *See* ESCHEATS.

SPECIAL LAWS AFFECTING PROHIBITED

Not to be affected by local or special law. (Ariz. IV 19; Cal. IV 25; Ida. III 19; Mont. V 26; N.D. II 69; Wyo. III 27.)

Sale of real estate, local or special law prohibited. (Fla. III 20.)

Sale of property of estate not to be provided for by local or special law. (Ala. IV 104.)

Sale, lease, incumbrance or disposal of property, local or special law prohibited. (Ky. 59.)

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DECEDENTS' ESTATES (*Cont'd*)

SPECIAL LAWS AFFECTING PROHIBITED (*Cont'd*)

Settlement, administration of estate, or sale or mortgage of any property of deceased person, local, private or special law prohibited. (Miss. IV 90.)

SUICIDES' ESTATES, *See* SUICIDES.

TAXATION, *See* TAXATION — OBJECTS AND KINDS OF TAXES.

WILLS

Invalid wills not to be given effect by local, private or special law. (Ala. IV 104; Cal. IV 25; Ky. 59; Nev. IV 20; Wash. II 28.)

Informal or invalid wills not to be given effect by local, private or special law. (Fla. III 20; La. 48; Md. III 33; Minn. IV 33; Mo. IV 53; N.M. IV 24; Okla. V 46; Tex. III 56.)

DEEDS, *See* PROPERTY — REAL PROPERTY.

DENTISTRY

See PHYSICIANS.

See PUBLIC HEALTH.

DEODANDS, *See* DEATH.

DEPARTMENTS OF GOVERNMENT, *See* DISTRIBUTION OF POWERS.

DEPOSITIONS, *See* EVIDENCE.

DEPOSITORY BOARD

Composed of governor, auditor and treasurer; to designate depositories for funds in hands of treasurer. (Mont. XII 14.)

DESCENT, *See* DECEDENTS' ESTATES — DESCENT.

DISTRIBUTION OF POWERS

IN GENERAL

Powers of the government shall be distributed into three departments: the legislative, executive and judicial. (R.I. III.)

Legislative, executive and judicial powers of government ought to be forever separate and distinct from each other. (N.C. I 8.)

Three essential powers of government, legislative, executive and judicial, ought to be kept as separate from and independent of each other as nature of a free government will admit or as is consistent with that chain of connection that binds the whole fabric of constitution in one indissoluble bond of union and amity. (N.H. I 37.)

Powers of government divided into three distinct departments, and each confided to separate magistracy, legislative to one, executive to another, judicial to another. (Conn. II.)

State to be governed by a governor (or lieutenant-governor), a senate and a house of representatives of the freemen. Legislative, executive and judicial departments to be separate and distinct so that neither exercise powers properly belonging to other. (Vt. II 1, 5.)

Powers of government divided into three distinct departments: legislative, executive and judicial. Powers and duties of each "are prescribed" by constitution. (S.D. II.)

Powers of government divided into three separate departments, legislative, executive and judicial. Except as provided in constitution, departments to be separate and distinct and neither to exercise the powers properly belonging to either of others. (Okla. IV.)

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DISTRIBUTION OF POWERS (*Cont'd*)

IN GENERAL (*Cont'd*)

Powers of government divided into three separate departments, legislative, executive and judicial, except as provided in constitution to be separate and distinct and no one of such departments shall exercise powers properly belonging to either of others. (Ariz. III.)

Legislative, judicial and executive powers forever to remain separate and distinct and no person discharging duties of one shall at same time exercise functions of either of others, except as provided in constitution. (Ga. I Sec. I 23.)

Powers of government divided into three separate departments: legislative, executive, including administrative, and judicial; and no person charged with official duties under one of these departments to exercise any of functions of another except as provided in constitution. (Ind. III 1; Ore. III 1.)

Legislative, executive and judicial powers to be forever separate and distinct from each other, and no person or persons exercising functions of one to assume or discharge duties of any other. (S.C. I 14.)

Same; except expression is used "ought to be forever separate and distinct". (Md. D.R. 8.)

Powers of government divided into three distinct departments, legislative, executive and judicial, and no person or persons belonging to or constituting one of these departments to exercise any of the powers properly belonging to either of the others, except as expressly provided in this constitution. (Minn. III 1; N.J. III 1.)

Powers of government divided into three distinct departments — legislative, executive and judicial, and no person or collection of persons charged with exercise of powers properly belonging to one to exercise powers properly belonging to either of others, except as in constitution provided. (Colo. III; Ida. II 1; Mont. IV 1; N.M. III 1; Wyo. II 1.)

The powers of government shall be divided into three distinct departments — the legislative, executive and judicial — each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this constitution expressly directed or permitted. (Mo. III.)

Powers of government divided into three distinct departments; each of them to be confided to separate body of magistracy; those which are legislative to one, those which are executive to another and those which are judicial to another. No person, or collection of persons, being of one of these departments, shall exercise power belonging to either of others, except as provided in constitution. (Ark. IV 1, 2; Ky. 27, 28; Tex. II 1.)

Powers of government of state divided into three distinct departments, each of them to be confided to a separate body of magistracy; those which are legislative to one, those which are executive to another, and those which are judicial to another. No one of

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DISTRIBUTION OF POWERS (*Cont'd*)

IN GENERAL (*Cont'd*)

these departments, nor person, or collection of persons, holding office in one of them, to exercise powers properly belonging to either of others, except as provided in constitution. (La. 16, 17.)

Powers of government divided into three distinct departments, legislative, executive and judicial; no person or collection of persons, being one of these departments, to exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted. (Ill. III; Nebr. II.)

The legislative, executive and judicial departments to be separate and distinct "so that neither exercise" powers belonging to either of the others, and no person to exercise power of more than one of them at the same time. (Va. I 5, III.)

Same; but adds "justice of the peace eligible to legislature". (W. Va. V 1.)

Powers of government divided into three distinct departments, legislative, executive and judicial; and no person charged with the exercise of powers properly belonging to one shall exercise any functions appertaining to either of others except as provided in constitution. (Cal. III 1; Fla. II; Iowa III 1; Nev. III 1; Utah V 1.)

Powers of government divided into three distinct departments — legislative, executive and judicial, and no person belonging to one of these departments to exercise any of powers properly belonging to either of others except as in constitution provided. (Me. III 1, 2; Mich. IV 1, 2; Tenn. II 1, 2.)

Powers of government divided into three distinct departments, each of them confided to a separate magistracy. Those which are legislative to one, those which are judicial to another, and those which are executive to another. No person or collection of persons being one or belonging to one of these departments to exercise power properly belonging to either of others. Acceptance of office in either of state departments shall of itself and at once vacate any and all offices held by person so accepting in either of other departments. (Miss. I 1, 2.)

Powers of government divided into three distinct departments, each confided to a separate body of magistracy, legislative to one, executive to another, judicial to another; except in instances provided in constitution, legislature never to exercise executive or judicial, executive never to exercise legislative or judicial, judicial never to exercise legislative or executive "to the end that it may be a government of laws and not of men". (Ala. III 42, 43.)

In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men. (Mass. Pt. I 30.)

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DISTRIBUTION OF POWERS (*Cont'd*)

VESTING OF EXECUTIVE POWER, *See* EXECUTIVE POWER.

VESTING OF JUDICIAL POWER, *See* COURTS — ESTABLISHMENT.

VESTING OF LEGISLATIVE POWER, *See* LEGISLATURE — LEGISLATIVE POWER VESTED.

DUAL OFFICE HOLDING, *See* PUBLIC OFFICERS.

LIMITATION ON LEGISLATURE

Legislature not to exercise judicial power not expressly conferred by constitution. (Ohio II 32.)

Legislature to have no power to deprive judicial department of any power or jurisdiction which rightfully pertains to it as co-ordinate department of government. (Ida. V 13; N.C. IV 12.)

Provision for veto by governor is, in part, to guard against encroachments of the legislative upon the co-ordinate executive and judicial departments. (Md. II 17.)

Duties or functions not to be attached by law to highest court, courts of appeal or district courts, or to justices or judges thereof, except such as are judicial. No judicial powers, except as committing magistrates in criminal cases, to be conferred on any officers other than those mentioned "in this title" except such as may be necessary in towns and cities. (La. 96.)

DISTRICT ATTORNEYS, *See* PROSECUTING ATTORNEYS.

DISTRICT COURTS, *See* COURTS — GENERAL TRIAL COURTS.

DISTRICTS

CONTRACTS

No public officer or member of legislature to be interested in directly or indirectly where authorized by any law passed or order made by board of which he is or was member during term for which he was chosen or within one year after termination of term. (Miss. IV 109.)

DRAINAGE, *See* DRAINAGE — DRAINAGE DISTRICTS.

DEBT

Money borrowed to be applied to purpose for which obtained or to repay such loan and to no other purpose. (N.M. IX 9.)

Legislature not to authorize incorporated districts to lend credit to corporation, association, institution or individual. (Fla. IX 10; Pa. IX 7.)

Legislature not to authorize incorporated district to lend credit to corporation, association or individual. (Okla. X 17.)

Legislature not to authorize district to lend credit in aid of any railroad, telegraph, or other private, individual or corporate enterprise or undertaking. (Utah VI 31.)

Legislature not to authorize incorporated district to obtain money for or lend its credit to any corporation, association or individual except for purpose of contracting or maintaining bridges, turnpike roads or gravel roads. (Ky. 179.)

Private, local or special legislation authorizing issuance of bonds or other securities forbidden unless authorized before enactment such law by vote qualified electors thereof at election held for purpose

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DISTRICTS (*Cont'd*)

DEBT (*Cont'd*)

in manner prescribed by law; but legislature may without such election pass special laws to refund bonds issued before ratification constitution. (Ala. IV 104.)

Not to exceed 7 per cent. of assessed value of taxable property; consent of electors at public election required before new debt incurred or debt increased to over 2 per cent. on assessed valuation. (Pa. IX 8.)

Limited to 5 per cent. on assessed valuation of taxable property for year preceding that in which debt incurred; additional debt not exceeding 10 per cent. may be incurred "for the purpose of providing water and sewerage for irrigation, domestic uses, sewerage and other purposes"; but no debt to be incurred "for any of the purposes in this section provided" unless authorized by vote of majority of electors. (S.D. XIII 4.)

"Drainage, subdrainage, road, subroad, navigation or sewerage districts", no bonds to be issued for any purpose other than that stated in propositions submitted to taxpayers nor for a greater amount than therein stated, nor shall such bonds be issued for any purpose other than "for constructing, improving and maintaining public roads and highways, paving and improving streets, roads and alleys, purchasing and constructing systems of waterworks, sewerage, drainage, navigation, lights, public parks and buildings, together with all necessary equipment and furnishings, bridges and other works of public improvement, the title to which shall rest in the subdivision creating the debt as the case may be", or unless authorized by majority in number and amount of property taxpayers qualified to vote, voting at election held for purpose. Amount of bonds issued by district for all purposes not over 10 per cent. of assessed value of property, tax to be laid by governing authorities sufficient to pay interest and sinking fund, but tax never to be over 10 mills on dollar. Bonds not to run more than 40 years, nor bear interest over 5 per cent., or sold for less than par. Similar provisions for renewal and refunding bonds. (La. 281 (1) (6).)

Legislature may authorize defined district which may include towns, villages or municipal corporations, to issue bonds or otherwise lend its credit in any amount not exceeding one-fourth of assessed valuation of real property of such district or territory, when approved by two-thirds resident property taxpayers voting on question who are qualified electors of such district or territory, for irrigation, drainage or navigation improvements or in aid thereof, or the construction, maintenance and operation of paved roads and turnpikes or in aid thereof. This authorization to be in addition to all debts except that total bonded debt of any city or town not to exceed limit imposed by other provisions of constitution. District incurring such debt to levy and collect taxes and pay interest and provide sinking fund for redemption. (Tex. III 52.)

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DISTRICTS (*Cont'd*)

ELECTION DISTRICTS, *See* ELECTIONS — DISTRICTS.

EXPENDITURES

Legislature not to authorize incorporated district to obtain or appropriate money for or levy tax for any corporation, association or individual. (Okla. X 17.)

Legislature not to authorize incorporated district to make appropriation of money to "any corporation, association, institution or individual". (Pa. IX 7.)

Legislature not to authorize incorporated district to become stockholder in any company, association or corporation. (Okla. X 17; Pa. IX 7.)

Legislature not to authorize incorporated district to appropriate money to any corporation, association or individual except for purpose of contracting or maintaining bridges, turnpike roads or gravel roads. (Ky. 179.)

Legislature not to authorize incorporated district becoming stockholder in company, association or corporation. (Fla. IX 10; Pa. IX 7.)

Legislature not to authorize incorporated districts or subdivision to become stockholder in any company, association or corporation. (Ky. 179.)

Legislature not to authorize district to subscribe to stock or bond in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Legislature not to authorize incorporated districts obtaining or appropriating money for corporation, association, institution or individual. (Fla. IX 10.)

FORMATION

No county, municipal corporation, civil township, district or subdivision to be included within such district or subdivision without a majority vote in favor thereof of the electors of the district proposed to be included therein, and no such debt to be ever incurred for any of the purposes in this section provided, unless authorized by a vote in favor thereof by a majority of the electors of such district incurring the same. (S.D. XIII 4.)

IMPROVEMENT, *See* INTERNAL IMPROVEMENTS — DISTRICTS.

IRRIGATION, *See* IRRIGATION.

LEGISLATION AFFECTING

Local or special legislation regulating affairs of district forbidden. (N.M. IV 24; W.Va. VI 39.)

Legislature not to enact indirectly any special or local act by exempting district from the operation of a general act. (Ky. 60.)

LEGISLATIVE APPORTIONMENT, *See* LEGISLATURE — APPORTIONMENT OF MEMBERS.

LEVEE, *See* LEVEES — LEVEE DISTRICTS.

MILITIA, *See* MILITIA — DIVISIONS.

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DISTRICTS (*Cont'd*)

OFFICERS

Accounts

Legislature to provide for accountability, as to fees collected and all public moneys paid to or which officially come into their possession. (Wash. XI 5.)

Laws to be "enacted and enforced by suitable provisions and penalties" requiring sheriffs and other county officers who receive or whose duty it is to receive, hold or pay out money for the use of or belonging to the state or any county, district or municipal corporation to make annual account and settlement therefor. Such settlement to be subject to exceptions and to take such direction and have such force and effect as provided by law. Settlement to be recorded and open to examination of people at such convenient place as may be fixed by law. (W.Va. VI 27.)

No person who has collected or been intrusted with public money of district to be eligible to legislature or to any office of honor, trust or profit in the state until he shall have duly accounted for and paid over such money according to law. (W.Va. VI 14.)

Compensation

Legislature to prescribe. (N.D. X 173.)

Except constables to be paid fixed and definite salaries. (Utah XXI 1.)

Legislature to regulate compensation in proportion to duties. (Wash. XI 5.)

Duties

Duties to be prescribed by legislature. (Wash. XI 5.)

Legislature to prescribe. (N.D. X 173.)

Election

General election for to be held on Tuesday after first Monday November. (Iowa II 7.)

Time of election, biennially on Tuesday following first Monday in November even numbered years. (Wash. VI 8.)

Time of election Tuesday after first Monday November. (Va. VII 112.)

In districts composed of more than one county, votes for officers to be canvassed by canvassing board of each county for their respective counties and then on their report by state canvassing board which shall declare the result. (N.M. XX 7.)

At elections candidates receiving largest number of votes to be elected. (R.I. Amend. X 1.)

Legislature to provide by general and uniform laws for election of such as public convenience may require. (Wash. XI 5.)

Fees

To be required by law to keep correct account of fees collected and to pay into proper treasury; and officer whose duty it is to collect such fees shall be responsible under bond for them. (Utah XXI 2.)

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DISTRICTS (*Cont'd*)
OFFICERS (*Cont'd*)
Fees (*Cont'd*)
Legislature to provide for accountability as to fees collected and all public moneys paid to or which officially come into their possession. (Wash. XI 5.)

Free Transportation
Transportation company not to give, and officer of district not to receive, free or reduced rates of transportation; officer violating to forfeit office and be punished as prescribed by law; but this does not prevent firemen or policemen from accepting free transportation while in discharge of duty. (Va. XIII 161.)
No railroad or transportation company to grant free or discounted passes or tickets. Legislature to enforce by suitable provision. (Miss. VII 188.)
Common carrier forbidden to give free pass or reduced rates and officer forbidden to accept under penalty of forfeiture of office. Legislature to enforce. (Ky. 197.)

Provision for
Legislature authorized to provide for election or appointment of "ministerial or executive officers" other than those mentioned in the constitution. (Ky. 107.)
Legislature to provide for election or appointment of such ministerial or executive officers as may be necessary other than those mentioned by constitution. (Ky. 107.)
Legislature to provide by law for such other officers than those named in the constitution as may be deemed necessary. (N.D. X 173.)
Legislature to provide by general law for such as may be necessary and shall prescribe duties and compensation of all district officers. (S.D. IX 6.)

Qualifications
To be electors of districts in which elected. (S.D. IX 7.)
No collector or his assistant or deputy of taxes or public moneys for district to be eligible to legislature unless six months before election he obtains "quietus" for his collections and all public moneys for which he is responsible. (Ky. 45.)
To be residents of the political subdivision for which elected or appointed. (N.M. V 13.)

Residence and Office
To reside in district and keep office at such place therein as required by law. (Ark. XIX 4; Ky. 234.)

Term
Not exceeding four years. (Ky. 107.)
To commence January 1st next after election; except those elected to fill vacancies. (N.M. XX 3.)
Terms to be fixed by legislature. (Wash. XI 5.)

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DISTRICTS (*Cont'd*)

OFFICERS (*Cont'd*)

Vacancies

To be filled unless otherwise provided by law by appointment of governor; if appointment made during session, to be confirmed by two-third senate present; if made during recess, same or another nomination to be sent to senate during first 10 days of session. If rejected, governor to make further nominations. Governor not to appoint during recess any person rejected by senate, but may appoint other person until next session or until regular election. Appointments to vacancies in elective offices to continue only until next general election. (Tex. IV 12.)

RECLAMATION, *See* RECLAMATION.

ROADS, *See* ROADS — ROAD DISTRICTS.

SCHOOL, *See* EDUCATION — SCHOOL DISTRICTS.

SEWERAGE DISTRICTS

Municipalities may create one or more sewerage districts within their limits. (La. 280.)

TERRITORIAL

Continued with same names, boundaries and rights until changed in accordance with constitution and laws of state. (N.M. XXII 12.)

TAXING DISTRICTS

Not to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue for that year without consent of two-thirds voters voting at election held for purpose. Debts contracted in violation of this provision to be void and not to be assumed by municipality or enforcible against persons contracting them. Total debt of such districts not to exceed in aggregate 2 per cent. of value of taxable property therein as shown by assessment next before last assessment previous to incurring debt, but debt in excess of this limit may be contracted to pay obligations existing time adoption constitution. Renewal bonds or funding bonds not to be prevented by this limitation. Such districts at time of authorizing creation of debt must provide for collection of taxes to pay interest and create sinking fund to redeem principal within 40 years. (Ky. 157, 158, 159.)

Not to be permitted to grant franchise or privilege or make any contract in reference thereto for more than 20 years; before grant, bids to be received after due advertisement and award to be to highest and best bidder; but all bids may be rejected. This does not apply to trunk railway. (Ky. 164.)

VOTERS, QUALIFICATIONS OF

On submission of any question of expenditure to popular vote, any woman having qualifications of male electors, and owning property assessed for taxes in district, to be entitled to vote. (Mich. III 4.)

DITCHES

General assembly shall not pass any local or special law relating to. (Del. II 19.)

Community ditches and laterals to be tax free. (N.M. VIII 3.)

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DITCHES (*Cont'd*)

Public land needed for drain or irrigation ditches may be purchased like other school land; patent to issue when principal and interest paid, at time of sale or later. (N.D. IX 158.)

Eminent domain

See EMINENT DOMAIN — PRIVATE USES.

See EMINENT DOMAIN — SPECIAL PUBLIC USES.

Drainage, *See* DRAINAGE.

Taxation, *See* TAXATION — EXEMPTIONS — IRRIGATION.

DIVORCE

Not to be allowed in state. (S.C. XVII 3.)

Legislature not to grant. (Iowa III 27; Mich. V 32; Minn. IV 28; N.J. IV Sec. VII 1; Ohio II 32; Wash. II 24; Wis. IV 24.)

Not to be granted by private, local or special law. (Ala. IV 104; Ariz. IV 19; Ark. V 24; Cal. IV 25; Colo. V 25; Fla. III 20; Ida. III 19; Ill. IV 22; Ind. IV 22; Ky. 59; La. 48; Md. III 33; Miss. IV 90; Mo. IV 53; Mont. V 26; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; Okla. V 46; Ore. IV 23; Pa. III 7; S.D. III 23; Tex. III 56; Utah V 26; W.Va. VI 39; Wyo. III 27.)

Legislature may regulate divorce by general law, but may not grant in individual cases. (N.C. II 10.)

Legislature to confer on courts power to grant, and shall not, by special legislation, grant relief. (Va. IV 63.)

Legislature not to grant divorces, but may authorize courts of justice to grant them for causes specified by law; general and uniform in operation throughout the state. (Tenn. XI 4.)

No divorce to be granted except by judgment of a court, as prescribed by general and uniform law. (Del. II 18.)

No divorce to be granted otherwise than by due judicial proceedings. (N.Y. I 9.)

Power to grant vested in district courts, subject to regulation by law. (Kan. II 18.)

All causes of marriage, divorce and alimony to be heard and tried by superior court, until legislature makes other provision by law. (N.H. II 75.)

All causes of marriage, divorce and alimony to be heard and determined by governor and council, until legislature makes other provision by law. (Mass. Pt. II Ch. III 5.)

No total divorce to be granted except on concurrent verdicts of two juries at different terms of court, and when divorce granted, jury rendering final verdict to determine rights and disabilities of parties. (Ga. VI Sec. XV 1, 2.)

Divorce cases to be brought in county where defendant resides if resident of state. If not, then in county in which plaintiff resides. (Ga. VI Sec. XVI 1.)

Alimony not to be allowed except by judgment of a court, as prescribed by general and uniform law. (Del. II 18.)

Legislature may regulate alimony by general law, but may not grant or secure in individual cases. (N.C. II 10.)

DOUBLE JEOPARDY, *See* JEOPARDY.

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DRAINAGE

DITCHES, *See* DITCHES.

EMINENT DOMAIN

See EMINENT DOMAIN — PRIVATE PURPOSES.

See EMINENT DOMAIN — SPECIAL PUBLIC PURPOSES.

DRAINAGE DISTRICTS

In this subhead are digested provisions relating particularly to drainage districts; for districts in general, See DISTRICTS.

Laws may be passed for formation of. (Ohio II 36.)

Legislature to provide for organization and operation of. (N.M. XVI 4.)

The legislature to have power to provide for supervision, regulation and conduct, in such manner as it may determine, of affairs of drainage districts organized and existing under any law of this state. (Cal. XI 13.)

Legislature may provide for organization of, with power to construct and maintain levees, drains and ditches and to keep in repair those already constructed under laws of state, by special assessments on property benefited. (Ill. IV 31; Iowa I 18.)

Legislature may provide for organization of, for drainage of land for any public use and may vest corporate authorities of, and corporate authorities of counties, townships and municipalities, with power to construct levees, drains and ditches, and to keep in repair those already constructed under laws of state, by special assessments on property benefited, according to benefits received. (S.D. XXI 6.)

May, when authorized by majority in number and amount of property taxpayers, qualified voters, incur debt and issue bonds for drainage purposes not to exceed in amount 10 per cent. of assessed value of property in district, and the governing authorities of district may lay taxes sufficient to pay interest and principal. Detail provisions as to election and bonds. (La. 281.)

May be created by police juries in accordance with law, with powers in addition to general power granted municipalities and districts, to levy taxes and issue bonds to establish and maintain drainage systems; detailed provisions as to levy of taxes on lands benefited and issue of bonds, with consent of property holders. (La. 281, 2, 3.)

PROVISION FOR

Special or local laws concerning drainage may be enacted. (S.C. Amend.)

Private and local laws providing for draining swamp and other low lands prohibited; provisions to be made by general law; prohibition not to apply to bills reported to legislature by commissioners to revise statutes. (N.Y. III 18, 23.)

Legislature may provide by law for organization and operation of drainage systems. (N.M. XVI 4.)

Drainage of agricultural lands a public purpose, legislature may provide therefor. (S.D. XXI 6.)

Legislature to provide by law for condemnation, through proper official channels, of all lands necessary for proper drainage of

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DRAINAGE (*Cont'd*)

PROVISION FOR (*Cont'd*)

swamp and low lands of state, and for equitable assessment of all lands so drained, to pay expenses of such condemnation and drainage. (S.C. Amend. Art. I.)

Legislature to provide for a system of levees, drains and ditches when deemed expedient; for payment of bonds or expense necessarily incurred in establishment thereof by taxes on land affected or benefited or on crops raised thereon; and for compulsory issuance of bonds by owners or lessees of lands benefited or affected. (Okla. XVI 3.)

PURCHASE OF PUBLIC LANDS FOR

School lands needed for drain ditches may be purchased like other school lands, but patent shall issue when principal and interest due are paid at time of sale or later. (N.D. XIII 158.)

TAXATION

Community ditches and all laterals thereof for drainage exempt from taxation. (N.M. VIII 3.)

DUE PROCESS OF LAW

See LIFE, LIBERTY AND PROPERTY.

See CRIMES — RIGHTS OF ACCUSED — IN GENERAL.

DUELING

As disqualification to hold office, See PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS.

As disqualification to vote, See ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Legislature to pass such penal laws as it deems expedient to suppress. (Ala. IV 86.)

Persons fighting duel, assisting in same as second, or sending, accepting or knowingly carrying challenge therefor, to be punished as prescribed by law. (Ark. XIX 2.)

Residents of state convicted of fighting duel in this state or of sending or accepting challenge, or of aiding or abetting same, to be subject to punishment prescribed by law. (Ga. II Sec. IV 2.)

Person directly or indirectly giving, accepting or knowingly carrying challenge to any person to fight in single combat, with citizen of state, with deadly weapon, either in or out of state, if said acts or any of them be committed within state, to be punished as legislature may prescribe; governor may, after five years from time of offense, pardon person who has participated in duel as principal, second or otherwise, and restore him to rights, privileges and immunities to which entitled before participation. (Ky. 239, 240.)

Person fighting duel or sending or accepting challenge for that purpose, or aiding or abetting same, to be punished as prescribed by law. (S.C. I 11.)

Person fighting duel, or knowingly carrying, sending or accepting challenge for that purpose, or aiding or abetting same, to be punished as legislature may prescribe. (Tenn. IX 3.)

Inhabitant of state engaged in, either directly or indirectly, as principal or accessory, to be punished as prescribed by law. (Wis. XIII 2.)

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EDUCATION

For exemptions of school property from taxation, See TAXATION — EXEMPTIONS.

AGRICULTURAL AND MECHANICAL COLLEGE

See also below, this title, "AGRICULTURAL COLLEGES", "STATE UNIVERSITY", "FUNDS".

Agricultural and mechanical department to be included in provision for state university. (N.C. IX 14; Tex. VII 10.)

State ratifies agreement to maintain, in accordance with grants made under act of Congress July 2, 1862, and will preserve intact endowments for said colleges. (Miss. VIII 213.)

As established by act of April 17, 1871, located in county of Brazos, is made a branch of the university. (Tex. VII 13.)

Alabama Polytechnic Institute, formerly Agricultural and Mechanical College, to be managed by board of trustees appointed by governor, confirmed by senate for term of 12 years, one-third of board appointed every four years. Board consists of two from congressional district in which institution is located, one from each other congressional district in state, superintendent of education and the governor as *ex officio* president of board. Governor fills vacancies. No salary. Actual expenses allowed. Legislature cannot change location without two-thirds vote with yeas and nays entered on journals. (Ala. XIV 266.)

Louisiana Agricultural and Mechanical College, founded on land grants of United States, to endow a college for the benefit of agriculture and mechanic art, recognized, and all revenue from agricultural and mechanical fund and other funds or lands donated by United States for such a college shall be applied to it, and legislature shall make appropriations necessary for its maintenance, support and improvement. (La. 256.)

New Mexico College of Agriculture and Mechanic Arts near Las Cruces, same provision as for State University and provision also that state appropriations made, and land grants from United States for agricultural and mechanical colleges and experimental stations shall be paid to. (N.M. XII 11, 13.)

Virginia Polytechnic Institute, president of, *ex officio* member of board of agriculture and immigration. President of board of agriculture and immigration *ex officio* member of board of visitors of. (Va. X 143, 146.)

State shall preserve intact endowments to and support the Agricultural and Mechanical College of Mississippi, and the Alcorn Agricultural and Mechanical College established from land grants made by United States. (Miss. VIII 213.)

Board of agriculture to consist of five farmers selected in manner prescribed by law shall be the board of regents of the State Agricultural and Mechanical College. One-third of lands or proceeds thereof accruing from section 13 in every portion of the state goes to Agricultural and Mechanical College, and Colored Agricultural and Normal University. (Okla. VI 31, XI 5.)

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EDUCATION (*Cont'd*)

AGRICULTURAL AND MECHANICAL COLLEGE (*Cont'd*)

Fund of declared to be $182,313.03, the proceeds of sale of lands, etc., which is declared a perpetual loan to the state upon which it shall pay 5 per cent. annual interest. (La. 260.)

AGRICULTURAL COLLEGES

College of agriculture to be in State University. (Ariz. XI 1.)

College of agriculture established as part of State University, congressional grant of July 2, 1862, to be appropriated for. (Cal. IX 9.)

One at Fort Collins adopted by state, control and management of to be regulated by legislature, location of and grants, gifts and appropriations for confirmed for use and benefit of, under specified conditions. Farmers' institutes may be given in any part of the state. (Colo. VIII 5.)

The state board of agriculture consists of six members holding office for six years, two to be elected at the regular biennial spring election. Board elects president of agricultural college, to be *ex officio* member of the board with privilege of speaking but not voting, and shall preside at meetings and be principal executive officer of the college. Board to have general supervision of college and direction and control of agricultural college funds, and other duties prescribed by law. (Mich. XI 7, 8.)

Legislature shall maintain a state agricultural college. (Mich. XI 10.)

Legislature shall appropriate all salt spring lands now unappropriated and money arising from the sale of same together with funds or lands hereafter granted or appropriated for such purpose for support and maintenance of agricultural college. (Mich. XI 13.)

Department of agriculture to be established at state university. (Kan. VI 7; Nev. XI 4; N.C. IX 14.)

One located at Fargo to have lands specifically granted by act of congress, February 22, 1889, subject to limitations provided in article on school and public lands. (N.D. XIX 215.)

One-third of proceeds of section 13 in every portion of state goes to Colored Agricultural and Normal University. (Okla. XI 5.)

Terms of congressional land grant and funds for an agricultural college confirmed and accepted. Legislature shall as soon as practicable separate Claflin College from Claflin University and provide for it a separate corps of men and women professors with negro representation and establish it as the Colored Normal Industrial, Agricultural and Mechanical College. Legislature may provide for maintenance of Clemson Agricultural College. (S.C. XI 8.)

Property received for an agricultural college shall be held as a trust fund therefor, and the state shall make up any losses. (S.D. VIII 7.)

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EDUCATION (*Cont'd*)

AGRICULTURAL COLLEGES (*Cont'd*)

The agricultural college to be under control of board of five members (legislature may increase to nine) appointed by governor, confirmed by senate, under rules and restrictions provided by legislature. (S.D. XIV 3, 4.)

Location and establishment of the agricultural college confirmed and all rights and endowments heretofore granted are perpetuated. (Utah X 4.)

APPROPRIATIONS

See also below, this title, "COMMON SCHOOLS — ESTABLISHMENT AND SUPPORT", "FUNDS".

No appropriation to be made to educational institutions not under absolute control of state other than normal schools established by law for professional training of public school teachers, except by vote of two-thirds of all members elected to each house. (Pa. III 17.)

Legislature shall make appropriations for support, development and improvement of state educational institutions to be met by taxation, in addition to revenue from investment of proceeds of sale of such lands as have been set aside by enabling act or other United States enactment. (Ariz. XI 10.)

Legislature not to make donation, grant or endowment to any literary institution unless at time of making same legislature has power "to grant further powers to alter, limit or restrain any of the powers vested in" such institution as may be necessary to promote its best interests. (Me. VIII.)

No appropriation of public funds to be made to any school or institution of learning unless owned or controlled exclusively by state or political subdivision thereof except (1) appropriation to College of William and Mary may be continued; (2) provision does not apply to payment of interest on certain bonds held by certain schools and colleges under act of February 23, 1892; (3) counties, cities, towns and districts may make appropriations to non-sectarian schools of manual, industrial or technical training as well as to schools owned or exclusively controlled by local public authorities. (Va. IX 141.)

General appropriation bill shall include appropriations for support of educational interests of the state. (Ga. III Sec. VII 9.)

For educational purposes not to be made to any person, corporation or community not under absolute control of state. (Ala. IV 73; Colo. V 34; Mont. V 35; N.M. IV 31; Pa. III 17, 18; Wyo. III 36.)

Credit or money of the state not to be given to any association or incorporation or private undertaking except legislature may make provision for the education and support of the blind, deaf and dumb and juvenile delinquents and limitation does not apply to fund or property held by state for educational purposes. (N.Y. VIII 9.)

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EDUCATION (*Cont'd*)

APPROPRIATIONS (*Cont'd*)

No county, township, city or other municipality to make appropriation or donation to or in aid of any college or institution of learning or other institution whether created for or to be controlled by the state or others. (Mo. IX 6.)

No more than 4 per cent. of moneys raised or appropriated for public schools shall be used otherwise than for teachers' salaries except operation of this section is suspended by two-thirds vote of each house. (Ala. XIV 261.)

Donations for support of public schools or other educational purposes may be received by legislature and applied according to terms prescribed by donors. (R.I. XII 3.)

All gifts for educational purposes if accepted by legislature to be applied to same unless in conflict with constitution. (S.C. XI 10.)

For educational institutions not under absolute control of the state, except normal schools established by law for training of public school teachers, requires two-thirds vote of members elected to each house. (Ala. IV 73.)

BOARDS OF EDUCATION

For State Boards of Education, See below, this title, STATE BOARDS.

City Boards

Charters framed for cities of over 3,500 inhabitants may provide for election or appointment of, and fix number, qualifications, compensation and conditions of removal of members of. (Cal. XI 8½.)

City and county of Denver shall alone always constitute school district No. 1. Its affairs to be conducted by board of education. constituted and elected as general school laws shall provide. (Colo. XX 7.)

Powers of board of education in Chicago may be consolidated with those of other present divisions of government in Chicago in a new charter or government for the city subject to condition specified. (Ill. IV 34.)

In cities of first and second class their boards of education to control apart from counties in which located. (Utah X 6.)

County Boards

Legislature shall provide for in each county. (Cal. IX 7.)

District Boards

School districts, when embraced wholly or in part within any city, to have power by referendum vote to determine number of members and organization of district board of education. (Ohio VI 3.)

Parish Boards

Legislature shall provide for creation of. Said boards shall elect a parish superintendent of public education, his qualifications to be fixed by legislature. He shall be *ex officio* secretary of the parish board. Salary fixed by the legislature and paid out of public school funds accruing to the parish. (La. 250.)

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EDUCATION (*Cont'd*)

BOARDS OF EDUCATION (*Cont'd*)

Debt

See also below, this title, SCHOOL DISTRICTS — DEBT.

Not to incur indebtedness or liability exceeding in that year income and revenue provided for such year without assent of two-thirds of qualified electors voting at election held for that purpose, nor unless before or at time of incurring provision made for collection of annual tax sufficient to pay interest and also to constitute sinking fund for payment of principal within 20 years from time of contracting; indebtedness or liability incurred contrary to this provision to be void, but section not to be construed to apply to ordinary and necessary expenses authorized by general laws of state. (Ida. VIII 3.)

Not to lend or pledge credit or faith directly or indirectly to or in aid of individual, association or corporation for any amount or for any purpose whatever, or become responsible for debt, contract or liability of any individual, association or corporation in or out of state. (Ida. VIII 4.)

Indebted at time of admission of state authorized to provide for payment by tax levy or bonds without reference to limits imposed in constitution. (Okla. Sched. 25.)

Execution not to issue on judgment against board of education or against any officer therein in his official capacity and for which the board of education is liable; such judgment shall be paid out of the proceeds of a tax levy and when so collected shall be paid by the "county treasurer" to the judgment creditor. (N.M. VIII 7.)

Membership Qualifications

Women with qualifications of male electors eligible as members of. (N.M. VII 2.)

COMMON SCHOOLS

Establishment and Support

Appropriations

See also below, this title, FUNDS, *and above, this title,* APPROPRIATIONS.

Appropriations for included in general appropriation bill. (Ala. IV 71; Ariz. IV 20; La. 55; Miss. IV 69; Mont. V 33; N.M. IV 16; N.D. II 62; S.D. XII 2.)

Third item in list of seven objects for which legislature must make provision in order named in general appropriation bill before making appropriation for other purposes. (Mo. IV 43.)

If taxable property should be segregated and objects liable to state tax and those liable to local taxes named, legislature may then provide for fixed appropriations not less than constitution prescribes for support of schools. (Va. 135.)

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EDUCATION (*Cont'd*)

COMMON SCHOOLS (*Cont'd*)

Establishment and Support (*Cont'd*)

In General

Legislature shall establish and maintain general, thorough, uniform and efficient system of free common or public schools. (Ariz. XX 7, XI 1; Ark. XIV 1; Del. X 1; Fla. XII 1; Ga. VIII Sec. I; Ida. IX 1; Ill. VIII 1; Ind. VIII 1; Kan. VI 2; Ky. 183; Md. VIII 1; Mich. XI 9; Minn. VIII 1; Miss. VIII 201; Mont. XI 1, Ord. I 4; Nebr. VIII 6; Nev. XI 1; N.M. XII 1, XXI 4; N.J. VII 6; N.Y. IX 1; N.D. VIII 147, 148; Okla. I 5, XIII 1; Ore. VIII 3; Pa. X 1; S.C. XI 5; S.D. VIII 1, XXII, XXIV 18 (4); Tex. VII 1; Utah X 1, 2, Ord. III; Va. IX 129; Wash. IX 2, XXVI; W.Va. XII 1; Wyo. VII 1, Ord. 5.)

Legislature prohibited from passing any special, private or local act for support of common schools. (La. 48; Miss. IV 90, VIII 201; Mo. IV 53 (19); N.J. IV Sec. VII 11; Okla. V 46; Ore. IV 23 (11); Pa. III 7; Tex. III 56.)

Legislature to provide by taxation in addition to income from school fund for thorough and efficient system of. (Ohio VI 2.)

Legislature authorized and their duty to require towns to make suitable provision at their own expense for support and maintenance of public schools. (Me. VIII.)

Special existing provisions for public schools in Mobile county to be retained and educational article of constitution only partially applicable. (Ala. XIV 270.)

City of New Orleans to make provision for its public schools, and in addition to tax to continue to receive from board of liquidation of the city debt the amounts to which entitled under amendment of 1892 to the constitution. (La. 255.)

Specified Ages

Legislature shall establish free school system for residents of state, or all children or pupils between six and 21 (Ariz. XI 6; Ark. XIV 1; Colo. IX 2; Mont. XI 7.)

For all children six to 21. (N.C. IX 2; S.C. XI 5.)

For all children between six and 18 and in kindergartens between four and six. (La. 248.)

For all children above six years of age. (Pa. X 1.)

For all children five to 18. (N.J. VII 6.)

For all children four to 20. (Wis. X 3.)

For all persons six to 20. (Mo. XI 1.)

For persons between five and 21. (Miss. VIII 201; Nebr. VIII 6.)

For all children seven to 21. (Ala. XIV 256.)

For all children of school age. (N.M. XII 1.)

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EDUCATION (*Cont'd*)

COMMON SCHOOLS (*Cont'd*)

Establishment and Support (*Cont'd*)

Number of Schools and Length of School Term

One or more in each school district at least three months each year. (Colo. IX 2.)

One in each district at least six months a year after first year in which a school has been established. (Cal. IX 5.)

Provision shall be made for local school taxes and public schools be maintained for at least five months each year in every school district. (N.M. XII 4.)

No part of additional local county, city, town or school district taxes for school purposes to be devoted to establishment of schools of higher grade until primary schools are maintained for at least four months of the school year. (Va. IX 136.)

One in every school district for at least six months each year. (Ariz. XI 6; Nev. XI 1.)

Competent number of schools ought to be maintained in each town, and one or more grammar schools, incorporated and properly supported in each county of the state, and institutions of learning encouraged. (Vt. II 64.)

Legislature shall make provision for thorough and efficient system of in each township of state. (Minn. VIII 3.)

A school in each district for at least four months every year. (Miss. VIII 205.)

In every school district for five months of each year with loss of share in school interest funds for school districts not complying. (Mich. XI 9.)

Instruction in Specified Subjects

Instruction to be given to inculcate vital importance of truthfulness, temperance, purity, public spirit and respect for honest labor of every kind. (N.D. VIII 149.)

Metric system to be taught in. (Utah X 11.)

Legislature shall provide for teaching of elements of agriculture, horticulture, stock raising and domestic science. (Okla. XIII 7.)

All instruction to be given in English language. (Ariz. XX 7; Mich. XI 9; N.M. XXI 4.)

To be conducted in English but teaching of other languages permissible. (Okla. I 5.)

To be conducted in the English language except in parishes and localities where French predominates that language may be taught if no additional expenses are incurred. (La. 251.)

Legislature to provide for training of teachers so that they may become proficient in both English and Spanish languages to qualify them to teach Spanish-speaking pupils, and shall provide means and methods to facilitate teaching of English language and other branches of learning to such pupils and students. No amendment to constitution to affect this pro-

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EDUCATION (*Cont'd*)

COMMON SCHOOLS (*Cont'd*)

Instruction in Specified Subjects (*Cont'd*)

vision, unless proposed by vote of three-fourths of members elected to each house and ratified by vote of people in state in election at which at least three-fourths of electors voting in whole state and at least two-thirds of those voting in each county in state, shall vote for amendment. (N.M. XII 8, XIX 1.)

Management

Sectarian control of common schools prohibited. (Ariz. XX 7; Mont. Ord. I 4; N.H. II 82; N.M. XXI 4; N.D. VIII 147; Okla. I 5; S.D. XXVI 18 (4); Utah X 1, Ord III; Wis. X 3; Wyo. Ord 5.)

Legislature prohibited from passing any special, private or local act for management of common schools. (Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Ky. 59 (25); La. 48; Minn. IV 33; Miss. IV 90; Mo. IV 53 (19); Nebr. III 15; N.J. IV Sec. VII 11; N.M. IV 24; N.D. II 69 (12); Okla. V 46; Pa. III 7; S.D. III 23 (10); Tex. III 56; Utah VI 26 (17); Wash. II 28 (15); Wyo. III 27.)

Legislature authorized to pass laws for management and control of schools in school districts. (Tex. VII 3.)

Power to make rules and regulations with force of law vested in state board of education, legislature reserving right to revise, amend or repeal. (Va. IX 132.)

No religious test for teachers or students in public schools or public educational institutions of the state. (Ariz. XI 7, XX 7; Colo. IX 8; Ida. IX 6; Mont. XI 9; N.M. XII 9; Utah X 12; Wyo. VII 12.)

Scope of System

See also above, this subdivision, ESTABLISHMENT AND SUPPORT — SPECIFIED AGES, *and below, this title,* SPECIAL SCHOOLS, COLLEGES AND UNIVERSITIES.

Legislature at its first session shall provide a uniform system of free public schools from the primary grades to and including normal and collegiate course. (N.D. VIII 148.)

To include common schools, high schools, normal schools and technical schools. (Wash. IX 2, XXVI.)

Includes kindergartens, common schools of primary and grammar grade, high schools, an agricultural college, a university and such other schools as legislature may establish. (Utah X 2.)

Legislature to establish uniform system of common schools and schools of higher grade embracing normal, preparatory, collegiate and university departments. (Kan. VI 2.)

Includes kindergarten, common, high, normal, industrial schools, and a university to include agricultural college, school of mines, and technical schools until separately established by state. (Ariz. XI 1.)

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EDUCATION (*Cont'd*)

COMMON SCHOOLS (*Cont'd*)

Scope of System (*Cont'd*)

Legislature may establish different grades of schools from primary to university. (Nev. XI 5.)

Legislature shall establish and maintain complete and uniform system of public schools including free elementary schools, a university with technical and professional departments, and other institutions as may be necessary. (Wyo. VII 1.)

Public school system shall include day and evening elementary schools and such day and evening secondary schools, normal and technical schools, as legislature, municipal or district authority may establish. (Cal. IX 6.)

Organization, administration and control of to be prescribed by law. (Ohio VI 3.)

Supervision

Vested in state board of education. (Colo. IX 1; Ida. IX 2; Mo. XI 4; N.M. XII 6; Okla. XIII 5; Utah X 8; Va. IX 130.)

Supervision of and execution of school laws to be vested in officers provided for by legislature. (Ark. XIV 4.)

Conduct and supervision of vested in state board of education, state superintendent of public instruction, county school superintendents and governing boards of state institutions as provided by law. (Ariz. XI 2.)

Vested in superintendent. (Ala. XIV 262; S.C. XI 1; Wash. III 22; W.Va. XII 2; Wyo. VII 14.)

COMPULSORY SCHOOL ATTENDANCE

Exemption on Conscientious Grounds

No man shall be compelled to send his child to any school to which he may be conscientiously opposed. (Ky. 5.)

General Provisions for

Legislature may require of every child of sufficient mental and physical ability, for a time equivalent to three years, between the ages of six and 18, unless educated by other means. (Colo. IX 11; Ida. IX 9; Wyo. VII 9.)

Legislature may provide for. (Nev. XI 2.)

Every child of school age and of sufficient physical and mental ability shall be required to attend public or other school for period prescribed by law. (N.M. XII 5.)

Legislature shall provide for unless other means of education are provided for all children in the state, sound in mind and body within the ages of eight and 16 for at least three months of each year. (Okla. XIII 4.)

Legislature may provide for between ages of eight and 12 except children weak in body or mind, or who can read or write, or excused for cause by district school trustees or attending private schools. (Va. IX 138.)

Legislature may enact that every child of sound mental and physical ability between the ages of six and 18 must attend school not less than 16 months unless educated by other means. (N.C. IX 15.)

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EDUCATION (*Cont'd*)

COMPULSORY SCHOOL ATTENDANCE (*Cont'd*)

General Provisions for (*Cont'd*)

May make attendance compulsory for every child not physically or mentally disabled, unless educated by other means. (Del. X 1.)

EDUCATIONAL INSTITUTIONS

For exemption of property of from taxation, See TAXATION—EXEMPTIONS.

For grants of state property to institutions generally and hence to educational institutions, See "PUBLIC PROPERTY — GRANTS" *and* "PUBLIC PROPERTY—GRANTS FOR RELIGIOUS PURPOSE".

Establishment and Support

None to be established other than those now existing, except by vote of two-thirds of members elected to each house of legislature. (La. 60.)

State may not engage in agriculture, except for educational purposes and for support of educational institutions. (Okla. II 31.)

Academies to share in residue of income from permanent fund, for support, libraries and apparatus, after common school needs supplied. (Wis. X 2.)

Incorporation

See also below, this title, SPECIAL SCHOOLS, COLLEGES AND UNIVERSITIES.

Legislature shall provide by general law for, but not pass any special law for except as to a university or the public schools. (Fla. III 25.)

Legislature prohibited from passing local or special laws to incorporate, not under control of state, or amend or extend charters of. Prohibition does not apply to educational corporations where terms of gift or will require special incorporation. Legislature shall provide by general laws for changing or amending existing charters, and for organization of new corporations, and such law and all charters are subject to repeal or alteration. Legislature may by two-thirds vote of each house on concurrent resolution allow bill for special charter to be introduced and passed as other bills. (S.C. III 34, IX 2.)

Legislature prohibited from passing special act conferring corporate powers except for charitable, educational and reformatory purposes where corporations remain under patronage and control of state. (Ark. XII 2.)

Educational corporations exempt from requirement to maintain office or place of business in state. (Cal. XII 14.)

Prohibition of creation or change of charter by special law not to apply to educational corporations which are to be and remain under patronage and control of the state. (Ill. XI 1; Nebr. XIB 1.)

Prohibition of special legislation for creation of corporation or amendment of charters not to apply to educational corporations, sustained in whole or in part by the state. (Del. IX 1.)

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EDUCATION (*Cont'd*)

EDUCATIONAL INSTITUTIONS (*Cont'd*)

Management

Sustained wholly or in part by state to be under control of board of five trustees, with power in legislature to increase to nine, appointed by governor, confirmed by senate, under rules and restrictions provided by legislature. (S.D. XIV 3.)

Legislature may provide that members of board of regents of State University and boards of trustees or managers of educational institutions may hold their respective offices for six years, one-third elected or appointed every two years, vacancies to be filled as provided by law. (Tex. XVI 30a.)

Board of visitors or trustees to be appointed as provided by law for term of four years provided at first appointment at least one-half of board shall be appointed for two years. (Va. IX 142.)

Regents and trustees of to be appointed by governor with advice and consent of senate. (Wash. XIII 1.)

Colleges, universities and other educational institutions for support of which lands have been granted to the state, or if supported by public tax, shall be under absolute exclusive control of state. (N.D. VIII 152.)

Student's Residence for Voting, *See* ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Supervision

See also above, this title, COMMON SCHOOLS — SUPERVISION.

Supervision of state educational institutions vested in state board of education. (Ida. IX 2.)

FUNDS

Under this subhead are digested provisions relating to educational funds generally and to school funds. For university funds, See below, this title, STATE UNIVERSITY. *For school district funds, See below, this title,* SCHOOL DISTRICTS.

For provisions relating to school taxes supplementing school funds, See "TAXATION — SCHOOL TAXES", "TAXATION — OBJECTS AND KINDS OF TAXATION — POLL TAXES".

In General

Purpose

Principal from sale of lands or other property given the state for educational purposes to be preserved inviolate and undiminished and income to be faithfully applied to those purposes. (Ala. XIV 257; Ohio VI 1.)

Money or property belonging to, or to state for benefit of schools or universities not to be used for any other purpose. (Ark. XIV 2.)

All lands, moneys or property received for school, college or university purposes and the proceeds thereof, to be faithfully applied to those objects. (Ill. VIII 2.)

All donations for support of public schools or for other purposes of education, received by general assembly to be applied according to terms of gift. (R.I. XII 3.)

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
In General (*Cont'd*)
Purpose (*Cont'd*)

Funds of state for educational purposes, income only of which to be used, deemed trust funds, to remain inviolate and undiminished; pledged to purposes for which granted and set apart, not to be transferred to any fund for other uses. (Nebr. VIII 9.)

Lands, money or other property donated or received from United States or other sources for university, agricultural college, normal school or other educational institution or purpose, and the proceeds thereof to remain perpetual funds; interest and income together with rents of lands as may remain unsold, to be inviolably appropriated for objects specified; principal of such funds may be increased but never diminished; to be deemed trust funds. (N.D. IX 159; S.D. VIII 7.)

Capital of school fund together with capital of the literature fund and capital of United States deposit fund to be preserved inviolate. (N.Y. IX 3.)

Investment

All educational funds of state of which income only to be used, only to be invested or loaned on United States or state securities, or registered county or school district bonds of state and such other securities as legislature may from time to time direct. (Nebr. VIII 9.)

Moneys of the permanent school fund and other educational funds to be invested only in bonds of school corporations within state; United States bonds or bonds of North Dakota or any first mortgages on farm lands in the state not to exceed one-third of actual value; permanent school and other educational funds to be invested only in bonds of school corporations — counties, townships, municipalities within state, of United States, of state or other states, which have never repudiated debt, or first mortgage on farm lands in state, not exceeding one-third of value as determined by board of appraisal of school lands. (N.D. IX 162, Amend. XIII.)

Moneys of permanent school fund and of other educational funds to be invested only in first mortgages on good improved farm lands within state, or in bonds of school corporations in state, or bonds of United States, or of state, or of any organized county, township or incorporated city in state, in manner to be prescribed by legislature. Moneys designated for investment in farm mortgages or in bonds of school corporations, organized counties, townships or incorporated cities, to be divided among organized counties of state in proportion to population as nearly as provisions of law to secure continuous investment may permit. Counties to hold and

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EDUCATION (*Cont'd*)

FUNDS (*Cont'd*)

In General (*Cont'd*)

Investment (*Cont'd*)

manage as trust funds, to remain accountable for principal and interest and to make good any loss; to invest in bonds of school corporations, counties, townships or cities, or in first mortgages on good improved farm lands within their respective limits. Amount of each loan not to exceed one-third actual value of lands to be determined by board of county commissioners. Amount of loan to any one person, firm or corporation not to exceed $5,000 and rate of interest not to be less than 5 per cent. Any county having $1,000 which it cannot loan may return same to state treasury to be intrusted to some other county. Each county to render an account to state auditor semi-annually, and semi-annually pay to state treasurer all interest due. Legislature may provide that interest collected in excess of 5 per cent. by counties may be retained by them in amount not to exceed 1 per cent. per annum. Legislature shall provide by law for safe investment of permanent school and educational funds, prompt payment of interest. The governor may disapprove investment of proceeds of school lands, except where intrusted to counties. (S.D. VIII 11, 12.)

Counties of state shall invest moneys of permanent school and endowment funds in bonds of school corporation, state, county and municipal bonds or in first mortgages on good improved farm lands within their respective limits, under regulations prescribed by legislature, but no farm loan in excess of $1,000 to be made to any one person, firm or corporation. (S.D. XXVIII 1.)

State Guarantee

Guaranteed by state against loss. (Nebr. VIII 9; N.D. IX 159; S.D. VIII 7.)

All losses occasioned by defalcation, negligence, mismanagement or fraud of officers managing, to be audited by state authorities, and amount so audited to be a permanent funded debt against the state in favor of fund sustaining loss, upon which 6 per cent. annual interest shall be paid, and amount of such indebtedness not to be counted as part of indebtedness mentioned in constitution. (S.D. VIII 13; Wash. IX 5.)

School Funds in General

Legislature not to pass special or local laws for preservation of school funds. (Ind. IV 22; Ore. IV 23.)

To be kept inviolate and used only for purposes of education. (Md. VIII 3.)

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
School Funds in General (*Cont'd*)
All fines, penalties and forfeitures due or to become due or accruing to the school fund shall inure to school fund in manner prescribed by law. (Iowa XII 4.)
Permanent educational funds other than those arising from disposition of university lands shall be loaned on first mortgages on improved farm lands within the state, on state, United States, or school district bonds under regulations prescribed by legislature. No loan to exceed one-third of market value of lands exclusive of buildings. (Ida. IX 11.)
Proceeds of all lands granted by United States to this state, not otherwise appropriated, all property now belonging to any state fund for purpose of education, net proceeds of sale of swamp land, all other gifts not otherwise appropriated by terms of grant or by state, to be paid into treasury, and, together with ordinary revenue of state set apart for that purpose to be faithfully appropriated for establishing and maintaining system of free public schools, and no other use. (N.C. IX 4.)
Poll tax, any educational fund now belonging to state, except endowment of and debt due University of Georgia, a special tax on shows and exhibitions, and on sale of spirituous and malt liquors which legislature is authorized to assess, proceeds of commutation tax for military service, all taxes on domestic animals destructive to property are set apart and devoted to support of common schools, and other schools of state, "as to pupils taught in elementary branches of English education". (Ga. VIII 3.)
General supervision of vested in state superintendent of schools. (Kan. VI 1.)
Financial agents of same as by law receive and control state and county revenues for other civil purposes. (Iowa IX Pt. II 6.)
Legislature to provide for safe-keeping, transfer and disbursements of state school funds, requiring bonds of officers. Any conversion to personal use, loan or deposit except in name of state, or use except as prescribed by law, of state funds to constitute an embezzlement and to be a felony. (N.D. IX 165.)
Legislature shall provide by law for safe-keeping, transfer and disbursement of, and for duties of officers charged with receipt and payment of, and for punishment of embezzlement of as a felony disqualifying guilty party from ever holding office in state, provided legislature may remove disability by two-thirds vote upon payment in full of principal and interest of sum embezzled. (S.C. X 12.)

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EDUCATION (*Cont'd*)

FUNDS (*Cont'd*)

School Funds in General (*Cont'd*)

Legislature shall pass laws for the safe-keeping, transfer and disbursement of school funds, and officers required to give ample security for same. Any embezzlement of school funds shall be a felony, and any failure to pay over, produce or account for state school funds on the part of officers entrusted with same is *prima facie* evidence of embezzlement. (Minn. IX 12.)

Permanent School Fund

Sources

Twenty-five thousand dollars of revenue of United States deposit to be appropriated each year and made part of capital of common school fund. (N.Y. IX 3.)

Proceeds of lands granted by United States for educational purposes. (Colo. IX 5; Mo. XI 6.)

Same; except for university. (Ore. VIII 2; Wis. X 2.)

Proceeds of lands granted by United States for public schools. (Ariz. XI 8; Cal. IX 4; Fla. XII 4; Ida. IX 4; Ind. VIII 2; Iowa IX Pt. II 2; Kan. VI 3; Mich. XI 11; Minn. VIII 2; Mont. XI 2; Nebr. VIII 2; Nev. XI 3; N.M. XII 2; N.D. IX 153; Okla. XI 2; S.D. VIII 2; Utah X 3; Va. IX 134; Wyo. VII 2.)

Five hundred thousand acre congressional land grant of 1841. (Cal. IX 4; Iowa IX Pt. II 2; Kan. VI 3; Nev. XI 3; Ore. VIII 2; Wis. X 2.)

Percentages of sale of lands in state granted by Congress. (Cal. IX 4; Iowa IX Pt. II 2; Kan. VI 3; Nebr. VIII 3; Nev. XI 3; N.D. IX 153; Okla. XI 2; Ore. VIII 2; S.D. VIII 2; Utah X 3; Wash. IX 3; Wis. X 2; Wyo. VII 2.)

Swamp land fund. (Ind. VIII 2; Minn. VIII 2.)

Money from sale of certain lands granted by United States in excess of amounts required for purposes specified to be paid into permanent school fund. (N.M. IX 4.)

Proceeds of grants of land, object not specified. (Nebr. VIII 3; N.M. XII 2; Wis. X 2; Wyo. VII 2.)

Sales of timber, mineral or other property from school and state lands not granted for specific purposes. (Utah X 3; Wash. IX 3.)

Damages recovered from trespassers on school or state lands. (Wash. IX 3.)

Money from distribution of direct tax under act of December 24, 1891. (Ky. 188; S.C. XI 11.)

Twenty-five per cent. of sales of public lands owned by state. (Fla. XII 4.)

All funds, lands and property heretofore set apart for public schools, all alternate sections of lands reserved by state in grants to railroads, etc., one-half of public domain and all sums from sale of same shall constitute. (Tex. VII 2, 5.)

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Permanent School Fund (*Cont'd*)
Sources (*Cont'd*)
All other gifts and bequests for educational purposes. (Ala. XIV 258; Ariz. XI 8; Colo. IX 5; Ida. IX 4; Mich. XI 11; Mo. XI 6; Nev. XI 3; W.Va. XII 4.)
Gifts for public schools. (N.D. IX 153; Okla. XI 2; Ore. VIII 2; S.D. VIII 2; Wash. IX 3.)
Property otherwise acquired for common schools. (N.D. IX 153; S.D. VIII 2.)
Gifts to state, purpose not specified. (Fla. XII 4; Ind. VIII 2; Mo. XI 6; N.M. XII 2; N.D. IX 153; Ore. VIII 2; S.C. XI 11; S.D. VIII 2; Wash. IX 3; W.Va. XII 4; Wyo. VII 3.)
Unclaimed shares and dividends of corporations. (Ariz. XI 8; Ida. IX 4; Mo. XI 5; Mont. XI 2; Nebr. VIII 3; Utah X 3; Wyo. VII 2.)
Escheated estates. (Ala. XIV 258; Ariz. XI 8; Cal. IX 4; Colo. IX 5; Fla. XII 4; Ida. IX 4; Ind. VIII 2; Iowa IX Pt. II 2; Kan. VI 3; Md. VIII 2; Mo. XI 2; Mont. XI 2; Nebr. VIII 3; Nev. XI 3; N.D. IX 153; Okla. XI 2; Ore. VIII 2; S.C. XI 11; S.D. VIII 2; Utah X 3; Va. IX 134; Wash. IX 3; W.Va. XII 4; Wis. X 2; Wyo. VII 2.)
Unclaimed distributive shares of estates. (Wyo. VII 2.)
Net assets of estates or copartnerships in hands of courts, where no claimants from last 70 years. (S.C. XI 11.)
Payment for exemption from military duty. (Ore. VIII 2; W.Va. XII 4; Wis. X 2.)
Fines. (Ind. VIII 2; Nev. XI 3; Va. IX 143; Wis. X 2.)
Forfeitures. (Ind. VIII 2; Nebr. VIII 3; Va. IX 134; Wash. IX 3; W.Va. XII 4; Wis. X 2.)
Waste, and unappropriated lands. (Va. IX 134; W.Va. XII 4.)
Funds accumulated in treasury with no provision for disbursement. (Wash. IX 3.)
Surplus revenue fund, saline fund and lands belonging thereto, bank tax fund, certain state bank fund, fund from sale of county seminaries and funds and property thereof. (Ind. VIII 2.)
Appropriation by state. (Ala. XIV 258; Fla. XII 4; R.I. XII 2; S.C. XI 11; Va. IX 134; Wash. IX 3; W.Va. XII 4.)
All funds now belonging to common school fund. (Nebr. VIII 3; Wyo. VII 2.)
Funds for support of free schools and all money, stock and other property hereafter appropriated for that purpose or received into treasury under any law passed to augment fund. (N.J. IV Sec. VII 6.)

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EDUCATION (*Cont'd*)

FUNDS (*Cont'd*)

Permanent School Fund (*Cont'd*)

Sources (*Cont'd*)

State bond for $1,327,000 favor of state board of education. Stock of bank of Kentucky. (Ky. 184.)

State bonds, refunding warrants held by school fund, in amount equal to principal of such warrants, to be registered by state auditor and state treasurer in name and for benefit of and payable only to fund and not to be transferable. (Colo. XI 3.)

Any portion of interest or income of "perpetual school fund" not expended during any year shall be added to and become a part of said fund. (Wyo. XVIII 6.)

Taxes on property of corporations assessed for school purposes. (Ind. VIII 2.)

Conditions

All states provide that income is to be used for support of common or public schools.

To remain inviolate. (Colo. IX 3; Fla. XII 5; Ida. IX 3; Kan. IV 3; Mich. XI 11; Mo. XI 6; Mont. XI 3; Nebr. VIII 3; N.D. IX 153; Ore. VIII 2; S.D. VIII 2.)

May be increased but not diminished. (Ind. VIII 3.)

To be deemed trust funds to be kept inviolate and undiminished. (Wyo. VII 6.)

To be trust fund, principal may be increased but not diminished. (N.D. IX 153; S.D. VIII 2.)

To be trust fund, may be increased but never diminished; no portion to be diverted to other use. (Okla. XI 2.)

Not to be used for other than school purposes. (Fla. XII 13.)

No part to be transferred or used for other purpose. (Colo. IX 3.)

Legislature not to borrow or use for any other purpose. (Conn. VIII 2; N.J. IV Sec. VII 6.)

Pledged for educational purposes, not to be diverted to any other fund. (Nev. XI 3.)

Not to be diminished; no part to be diverted to any other use (than support of schools). (Tenn. XI 12.)

No money or property belonging to the public school fund, or to this state for the benefit of schools ever to be used for other purpose. (Ark. XIV 2.)

Legislature not to divert or borrow, appropriate or use for other purpose than support of public schools. (R.I. XII 2, 4.)

Management

Legislature has control and management of educational and school fund. (Iowa IX Pt. II 1.)

Legislature to invest funds when not previously entrusted to counties. (Ind. VIII 4.)

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Permanent School Fund (*Cont'd*)
Management (*Cont'd*)
Comptroller to invest. (Tex. VII 4.)
State treasurer to be custodian of fund. (Colo. IX 3; Ida. IX 3.)
Management and investment of school funds vested in state board of education. (Fla. XII 3; Miss. VIII 203; Va. IX 132.)
Board of school fund to consist of governor, superintendent of free schools, auditor and treasurer to manage under regulations prescribed by law. (W.Va. XII 4.)
Governor, secretary of state and state treasurer, board of commissioners to invest funds from sale of school and university lands; powers and duties to be prescribed by law. (Ore. VIII 5.)
Superintendent of public instruction, governor, attorney-general, secretary of state and state auditor constitute board of university and school lands; to direct investment of funds arising from sale of lands. (N.D. IX 156.)
State superintendent of public instruction, secretary of state and attorney-general constitute board of commissioners for management and investment of school funds. Any two a quorum. (Kan. VI 9.)
Secretary of state, treasurer and attorney-general constitute board of commissioners for investment of funds arising from sale of school and university lands. Any two a quorum. (Wis. X 7.)
Valuation
Value and amount of free school fund to be ascertained and published. (Conn. VIII 2.)
Investment
To be securely invested. (N.J. VII 6; R.I. XII 2; S.C. XI 11.)
To be securely and profitably invested. (Colo. IX 3.)
Fund to be securely and profitably invested as by law directed. (Ida. IX 3.)
To be invested as legislature shall provide. (Wis. X 7.)
To be invested in public securities in state. (Mont. XI 3.)
Proceeds of sale of school lands to be invested in United States bonds or bonds of state of Texas or counties of such state under restrictions prescribed by law. (Tex. VII 4.)
To be securely invested; no part to be invested in stocks or bonds of any other state or of any county, city, town or corporation. Proceeds of sales of lands belonging to fund to be invested in bonds of the state of Missouri or of the United States. (Mo. XI 6, 9.)

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EDUCATION (*Cont'd*)

FUNDS (*Cont'd*)

Permanent School Fund (*Cont'd*)

Investment (*Cont'd*)

To be invested and loaned only on bonds issued by school districts, registered county bonds of state, or state securities of this state or United States. (Wyo. VII 6.)

In interest-bearing securities of United States, of this state, or if not obtainable, in interest-bearing securities approved by board of school fund consisting of governor, superintendent of free schools, auditor and treasurer. (W.Va. XII 4.)

May not be loaned to private persons or corporations but may be invested in national, state, county or municipal or school district bonds. (Wash. XVI 5.)

In bonds of state or territory of New Mexico, or of any county, city, town, board of education, or school district therein, though legislature may by three-fourths vote of membership of both houses provide for investment in other interest-bearing securities. All bonds or other securities for investment of any portion of, must be approved by governor, attorney-general and secretary of state. (N.M. XII 7.)

Not to be loaned to private persons or corporations but may be invested in national, state, county, municipal or school district bonds. (Wash. XVI 5.)

Permanent school funds may be loaned at 5 per cent. interest to counties or school districts for erection of school buildings upon approval by board consisting of governor, state auditor, state treasurer, provided loan does not exceed 3 per cent. of the assessed valuation of the real estate of the school district, and provided the necessary tax is levied to meet the accruing interest or principal. May be invested in bonds of any county, school district, city, town or village of the state when approved by board of commissioners and provided indebtedness so incurred does not exceed 15 per cent. of assessed valuation, interest rate not less than 3 per cent. and loan is made for term not less than five nor more than 20 years. (Minn. VIII 2, 5, 6.)

Legislature shall provide for sale of floating land warrants to cover lands belonging to, and for investment of proceeds in United States bonds, state bonds of Nevada or other states, or county bonds in Nevada. Only interest of proceeds to be used and surplus of to be added to principal. (Nev. XI 3.)

In first mortgages on farm lands in the state. Not more than 50 per cent. of the reasonable valuation of said lands without improvements to be loaned, also in Oklahoma state bonds, county bonds, school district bonds,

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Permanent School Fund (*Cont'd*)
Investment (*Cont'd*)
and United States bonds, preference in order named. Legislature to provide rules and regulations for said investments. (Okla. XI 6.)
Rate of interest on "Chickasaw School Fund" and other trust funds for educational purposes to be 6 per cent. from and after close fiscal year 1891 as long as state holds these funds; interest to be paid semi-annually May and November. (Miss. VIII 212.)
Debt due by state to the free school fund fixed by constitution of 1879 and 1898 at $1,130,867.51 being proceeds of the sales of lands granted by the United States for school purposes shall remain a perpetual loan to the state upon which the state shall pay to the several townships entitled to the same annual interest at the rate of 4 per cent. (La. 258.)
Legislature shall make provision for payment of interest on school fund, may sell stock of Kentucky bank but proceeds to be invested by sinking fund commissioners. (Ky. 185.)
State Guarantee
Guaranteed by state against loss. (Colo. IX 3; Ida. IX 3; Mont. XI 3; N.M. XII 7; N.D. IX 153; Okla. XI 2; S.D. VIII 2; Utah X 7; Wyo. VII 6.)
State to be responsible for investment of school fund. (Tex. VII 4.)
All losses to the permanent school fund occasioned by defalcations, mismanagement or otherwise, when properly audited to be a permanent funded debt to the credit of the respective fund, to bear interest at 6 per cent. amount of such liability not included in limit of indebtedness prescribed in article VII, section 2. (Iowa VII 3.)
Current School Fund
Sources and Purposes
Income from permanent school fund with other funds provided by law. (Ariz. XI 8; Utah X 3; Wyo. VII 7.)
Out of general tax and state revenues to be set apart moneys for support of public school system and state university. (Cal. XIII 14e.)
Interest of perpetual school fund, rents of unsold lands, and such other means as legislature may provide, to be inviolably appropriated for support of common schools. Entire revenue from state school fund and general state school tax to be applied exclusively to support of day and evening elementary schools. Legislature may authorize special state school tax for support of day and even-

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Current School Fund (*Cont'd*)
Sources and Purposes (*Cont'd*)

ing secondary and technical schools included in public school system, provided proceeds of special tax are applied exclusively to support of schools for which it is levied. (Cal. IX 4, 6.)

Interest of permanent fund to be expended in maintenance of schools. Certain state bonds, funding warrants held by permanent fund, equal to interest due thereon, to be sold by state treasurer at not less than par and accrued interest, and proceeds to be paid into current school fund. (Colo. IX 3, XI 3.)

Legislature to appropriate annually not less than $100,000 to be added to income from investment of public school fund, to be used exclusively for teachers' salaries and free text-books. All other expenses connected with maintenance of schools to be defrayed as provided by law. (Del. X 2, 4.)

Interest of permanent school fund to be exclusively applied to support of free public schools. Proceeds of school district tax not over 3 mills on dollar authorized by legislature and approved by majority of taxpaying voters of district may be used for building and repairing school-houses, purchase of school libraries and text-books, salaries of teachers or for other educational purposes, so that distribution among all the schools of district be equitable. (Fla. XII 4, 7, 11.)

Interest of permanent fund only to be expended in maintenance of schools. (Ida. IX 3.)

Interest of perpetual funds, rents of lands belonging thereto, together with such other means as legislature may provide to be inviolably appropriated for support of common schools. (Kan. VI 3.)

Interest and dividends of permanent fund, together with any sum produced by taxation or otherwise for purposes of common school education, to be used for common schools and no other purposes. (Ky. 184.)

Proceeds of school taxes, interest on proceeds of and revenue from unsold public lands granted by United States for schools, "of lands and other property given to state for school purposes", "all property, except unimproved lands given to state not designated for any other purpose", proceeds of vacant estates falling to state. Legislature may appropriate thereto proceeds of public lands not set aside for any other purpose. Surplus of Confederate pension fund. (La. 254, 255, 303.)

Moneys raised by taxation in towns and cities for support of public schools and appropriated by state for support

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Current School Fund (*Cont'd*)
Sources and Purposes (*Cont'd*)

of public schools to be applied to and expended in no other schools than those conducted according to law under school authorities in town or city in which money is expended. (Mass. Amend. XVIII.)

All subjects of taxation contributing to primary school interest fund to continue to contribute to that fund and to be applied in payment of interest upon primary school, university and other educational funds in the order named, surplus to be added to primary school interest fund. Interest on clear proceeds of sale of escheated estates to be appropriated exclusively to the support of primary schools. (Mich. X 1, XI 12.)

Income from perpetual fund, one-half income of swamp land fund, and legislature to provide by taxation or otherwise so that with income from school fund a thorough and efficient system of schools shall be established in each township of state. (Minn. VIII 2, 3.)

State common school fund taken from general fund in treasury, to be sufficient, together with county fund, to maintain common schools for four months each school year. (Miss. VIII 206.)

Annual income of permanent school fund, together with whatever of ordinary revenue state may set apart to be appropriated for free public schools and the state university as provided for. If income not sufficient, legislature must supplement so as to have a free public school in each district for at least four months in each year. At least 25 per cent. of state revenue exclusive of interest and sinking fund, to be applied annually to support schools. (Mo. XI 6, 7.)

Duty of legislature to provide by taxation to supplement school fund so as to maintain a free public school in each organized district for at least three months in each year. (Mont. XI 6.)

All gifts, not otherwise appropriated by their terms, and interest arising from perpetual funds, and rents from unsold school lands and such other means as legislature may provide, to be exclusively applied to common schools in each school district in the state. (Nebr. VIII 4.)

Legislature to provide a special tax not to exceed 2 mills on dollar of all taxable property in state, in addition to other means provided for support and maintenance of university and common schools. (Nev. XI 6.)

Income of permanent fund, except when used to increase the capital, to be appropriated annually and legislature to provide for support of free public schools. (N.J. IV Sec. VII 6.)

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Current School Fund (*Cont'd*)
Sources and Purposes (*Cont'd*)

Moneys from rentals of certain lands in excess of amounts required for purposes specified to be paid into current school fund. Current consists of: Fines, forfeitures, net proceeds of escheated estates, rentals of school lands and of other lands disposition of which is not specified and income from permanent school fund. Legislature shall levy, collect and add an annual tax for school purposes. (N.M. IX 4, XII 4.)

Revenue of school fund to be applied to support of common schools; of literature fund to support of academies. (N.Y. IX 3.)

Interest and income of permanent school fund with net proceeds of fines for violation of state laws and all other sums which may be added thereto by law to be faithfully applied each year for the common schools. (N.D. IX 154.)

Taxes collected for maintenance of common schools levied upon property of railroad, pipe lines, telegraph companies or public service corporations operating in more than one county shall be paid into common school fund and distributed as other "common school funds of the state". Interest and income of permanent school fund and net income from leasing of public lands granted by the United States for benefit of common schools together with any revenues derived from school taxes and any other sums which may be added thereto by law shall be used and applied each year for the benefit of the common schools and no part of fund shall be diverted from this purpose. (Okla. X 12a, XI 3.)

Legislature to make an appropriation of at least $1,000,000 each year for public schools. (Pa. X 1.)

After December 31, 1898, legislature to levy annually a tax in addition to poll tax and county commissioners' tax sufficient to keep schools open throughout state for such time as legislature may prescribe, added to annual income of state school fund. Net income from sale of licenses to sell liquors, not including that which goes by law to counties or municipal corporations, to go first to make up deficiencies whenever supplementary tax for schools becomes necessary, and any surplus, after deficiencies are met, to be devoted to public schools. (S.C. XI 6, 11, 12.)

Interest and income of permanent school fund, together with net proceeds of fines for violation of state laws, and all other sums added thereto by law to be applied each year for benefit of public schools. No part of princi-

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Current School Fund (*Cont'd*)
Sources and Purposes (*Cont'd*)
pal or interest to be diverted to any other purpose than maintenance of public schools. (S.D. VIII 2, 3.)
All interest derivable from permanent school fund and taxes authorized and levied for schools to be available school fund to which legislature may add 1 per cent. annually of total value of permanent school fund; such value to be ascertained by board of education until otherwise provided by law, to be used for no other purpose than support of schools. One-fourth of revenue from state occupation and poll tax to be appropriated annually for free public schools. (Tex. VII 3, 5.)
Legislature to apply annual interest on literary fund and that portion of capitation tax paid into state treasury and not returnable to counties and cities, and an annual tax on property not less than 1 nor more than 5 mills to schools of primary and grammar grades. (Va. IX 135.)
Interest of permanent school fund, together with all rentals and revenues from land or property of, and state tax for common schools, to be applied exclusively to current use of common schools. (Wash IX 2, 3.)
All money to credit of permanent fund over $1,000,000, together with interest on fund, all money and taxes formerly payable to permanent fund, net proceeds of all forfeitures and fines accruing to state, state capitation tax, general taxation and local taxes to be provided for by legislature. (W.Va. XII 5, School Fund Amend. 1902.)
Interest of permanent fund and all other revenues derived from school lands, and tax which must be raised annually by each town and city of not less than one-half amount received by each town and city for school purposes from income of school fund. (Wis. X 2, 4.)

Apportionment
See also below, this title, SECTARIAN INSTITUTIONS.
Legislature not to pass private or special law to authorize apportionment of. (Wash. II 28; Wis. IV 31.)
To be apportioned among counties in proportion to number of children of school age therein; and as nearly as practicable to provide school terms of equal duration in such school districts or townships. (Ala. XIV 256.)
Apportioned to counties on basis of number of pupils of school age. (Ariz. XI 8; Tex. VII 5.)
Distribution among counties and school districts as prescribed by law. (Colo. IX 3; Ida. IX 3.)
Equitably among school districts. (Del. X 2.)

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Current School Fund (*Cont'd*)
Apportionment (*Cont'd*)

Legislature shall provide for distribution among counties in proportion to average attendance upon schools in said counties. (Fla. XII 7.)

Money subject to support and maintenance of common schools to be distributed to districts in proportion to number of children between age of five and 21 as provided by law. (Iowa IX Pt. II 7.)

Each county's share based on census of pupil children. No distinction in distribution on account of race or color. (Ky. 186, 187.)

All funds raised by state for support of public schools, except poll taxes, to be distributed to each parish in proportion to number of children between ages of six and 18. (La. 248.)

Income from lease or sale of school lands to be distributed to the townships in proportion to the number of scholars between five and 21 years of age. (Minn. VIII 2.)

No school district to receive any portion of current school fund that does not maintain a free school at least three months during the year. (Mo. XI 2a)

State common school fund to be distributed among several counties and separate school districts in proportion to number educable children in each, to be determined from data collected through office of state superintendent of education in manner prescribed by law. (Miss. VIII 206.)

Equitably among school districts maintaining schools at least three months. (Nebr. VIII 7.)

Interest of permanent fund to be apportioned among counties as provided by law. (Nev. XI 3.)

Current school fund shall be apportioned among school districts in proportion that number of children of school age in each district bears to total number of children in state. A reserve shall be set up before distribution, sufficient to provide for five months' schooling in every district by special help to districts where full local school tax plus regular quota of current school funds will not suffice to do this. (N.M. XII 4.)

To school corporations in proportion to number of children of school age. (N.D. IX 154; S.D. VIII 3.)

Income of permanent school fund to be distributed among counties in proportion to number of children resident therein, ages four to 20. (Ore. VIII 4.)

Among several school districts in proportion to school population. (Okla. XI 3; Utah X 3.)

Annual income of state school fund and liquor license fund to be apportioned by legislature. Proceeds of extra school

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EDUCATION (*Cont'd*)
FUNDS (*Cont'd*)
Current School Fund (*Cont'd*)
Apportionment (*Cont'd*)
tax to be apportioned among counties in proportion to deficiencies in county funds. (S.C. XI 6, 11, 12.)
To be distributed to counties according to school population. (Tex. VII 5.)
Power of distribution to counties vested in state board of education. (Tex. VII 8.)
Funds derived from high school tax to be apportioned among cities and school districts according to attendance at high schools and only to cities or districts maintaining high school standard and for period of year fixed by state board of education, as legislature may provide. (Utah X 3, XIII 7.)
On basis of school population, children seven to 20 years of age in each school district. (Va. IX 135.)
Income of permanent fund to be distributed by law among towns and cities for support of common schools in proportion to number of children, four to 20, but no appropriation to any town or city for year in which it does not raise tax or does not maintain school at least three months. (Wis. X 5.)
To be distributed by general law among several counties according to number of children of school age; counties to distribute income likewise to several school districts; no appropriation to any school district which has not maintained a school for at least three months. (Wyo. VII 8.)
County School Fund
Funds from special county tax for schools to be used to extend school terms to equal length as far as possible in several townships and districts. Cities of Decatur, New Decatur and Cullman exempt from this special tax. All poll taxes to be applied to support of public schools in county where collected. (Ala. XIV 269.)
Legislature to increase county fund as apportioned so as to maintain schools at least six months each year. (Ariz. XI 9.)
County treasurer to collect all school funds belonging to county and several school districts therein and disburse same on warrants drawn by county superintendent or district officers as provided by law. (Colo. IX 4.)
Consists of, in addition to county school tax and proportion of state school fund and special state school tax, net process of fines and all capitation taxes collected in county, to be disbursed by county board of public instruction solely for free public schools. (Fla. XII 9.)
Military exemption payments to be paid into school fund of county of which exempt person a resident. (Ida. XIV 1.)

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EDUCATION (*Cont'd*)

FUNDS (*Cont'd*)

County School Fund (*Cont'd*)

If county fails to demand its portion of interest of school fund, the same to be reinvested for benefit of said county. Counties to be held liable for any part of fund entrusted to them and for payment of interest thereon. (Ind. VIII 5, 6.)

Money paid for exemption from military duty, clear proceeds of all fines, collected in counties for breach of penal laws, to be applied by counties among school districts in proportion to school population for support of common schools for establishment of libraries. (Iowa IX Pt. II 4.)

Money paid for exemption from military duty; proceeds of estrays and of fines for breach of penal laws to be applied in county where paid to support of common schools. (Kan. VI 6.)

Funds from poll taxes to be paid directly to treasurer of local school board by collector for public schools; legislature to provide for parish to levy tax for public schools not to exceed entire state tax, and provided that with such tax whole amount of parish taxes not to exceed limit fixed in constitution. Police juries of parishes and municipal councils of cities and towns, except Orleans parish, to turn over to parish school boards at least 3 mills of annual tax, not to apply to cities which are under legislative authority conduct free schools on which are spent at least 3 mills. Details given. (La. 252, 255 as amended 1914.)

To consist of poll tax, to be retained in counties where collected, which together with state common school fund, to be sufficient to maintain common schools for term of four months each scholastic year. Any county or separate school district may levy additional tax to maintain schools for longer terms than four months. (Miss. VIII 206.)

Money, stocks, bonds, lands and property belonging to county school fund, also proceeds of sales of estrays, clear proceeds of all penalties, and forfeitures and fines collected in county for breach of penal or military laws, and moneys paid for exemption from military service to be invested in loans on unincumbered real estate of double value of loan with personal security additional and sacredly preserved as county public school fund and income appropriated for schools. (Mo. XI 8, 10.)

Fines, penalties and license moneys arising under general laws of state shall belong and be paid to counties where same are levied and imposed, and shall be apportioned exclusively to use and support of common schools in those districts. (Nebr. VIII 5.)

Consists of money, stocks, bonds and other property belonging to county school funds, also net proceeds from sale of estrays, clear proceeds of penalties and forfeitures and fines collected in counties for breach of penal or military laws and all

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EDUCATION (*Cont'd*)

FUNDS (*Cont'd*)

County School Fund (*Cont'd*)

moneys paid for exemption from military duty. County school funds to remain in county and be faithfully appropriated for establishing and maintaining free public schools in county provided that amount collected in each county be annually reported to superintendent of public instruction. (N.C. IX 5.)

County commissioners, or other officers hereafter vested with same powers, to levy annual tax of 3 mills on all taxable property of county, to be collected as other taxes and to constitute a fund in county treasury to be apportioned among school districts of county in proportion to number of enrolled pupils, legislature to define enrollment and apportioning officer to notify trustees of respective school districts who shall expend same as legislature may prescribe. (S.C. XI 6.)

All moneys, stocks, bonds, lands and other property belonging to, except such as is provided by law for current use, to be securely invested in several counties as county public school fund; income to be appropriated exclusively for free public schools in several counties. All fines and penalties under general state laws to go to public school fund of respective counties for current support of public schools therein. (Wyo. VII 4, 5.)

Lands granted to counties for educational purposes, title vested in counties, which may be sold, disposed of as county commissioners' court may provide. Proceeds shall be held as trust by counties for benefit of schools and invested under restrictions prescribed by law. Counties responsible for investments. Interest and revenue except the principal shall be available school fund. (Tex. VII 6.)

INDUSTRIAL SCHOOLS

See also below, this title, SPECIAL SCHOOLS, COLLEGES AND UNIVERSITIES.

Louisiana Industrial Institute at Ruston, and the Southwestern Louisiana Industrial Institute of Lafayette recognized. Legislature directed to make appropriations for maintenance, support and improvement of. (La. 257.)

Industrial school and school for manual training, and such other educational or charitable institution as the legislature may provide to be located at Ellendale with grant of 40,000 acres of land. (N.D. XIX 216.)

Commissioner of charities and correction empowered and directed to examine into condition and management of reform and industrial schools when they derive support wholly or in part from state, county and municipality, and officers of shall furnish full information requested by commissioner who has also power to summon witnesses and require production of books and papers and testimony under oath. (Okla. VI 28.)

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EDUCATION (*Cont'd*)

INDUSTRIAL SCHOOLS (*Cont'd*)

Alabama Girls' Industrial School, legislature cannot change location of except by two-thirds vote of legislature with yeas and nays entered on journals. (Ala. XIV 267.)

Board of commissioners of state institutions provided for, with full power to manage, control and govern, subject only to such limitations as shall be established by law. (Nebr. III 19.)

INEBRIETY

Legislature to provide for education of inebriates. (N.C. XI 9.)

MECHANIC ARTS

See also above, this title, AGRICULTURAL AND MECHANICAL COLLEGE.

Department of mechanic arts and mining to be established at State University. (Nev. XI 4.)

MINING INSTRUCTION

Department of mining to be established at State University. (Nev. XI 4, 7, 8.)

Legislature to establish and maintain as soon as practicable a department of at State University. (N.C. IX 14.)

One school of mines located at Grand Forks, and to have lands granted by Congress. (N.D. XIX 215.)

One school of mines at Golden adopted by state, control and management of to be regulated by legislature, location of and grants, gifts and appropriations for confirmed for use and benefit of, under specified conditions. (Colo. VIII 5.)

School of mines included in State University. (Ariz. XI 1.)

Legislature shall maintain college of mines. (Mich. XI 10.)

New Mexico School of Mines at Socorro; same provision for support and government of as for state university. (N.M. XII 11. 13.)

Legislature shall provide for teaching of mining and mineralogy in at least one institution under patronage of state. (S.D. XIV 5.)

Legislature may provide that science of mining and metallurgy be taught in one or more institutions of learning under patronage of state. (Colo. XVI 4.)

Legislature may provide that science of mining and metallurgy be taught in one institution of learning. (Wyo. IX 5.)

NEGROES, *See below, this title,* "SPECIAL SCHOOLS, COLLEGES AND UNIVERSITIES", "STATE UNIVERSITY — COLORED BRANCH", "SCHOOLS FOR WHITE AND COLORED".

NORMAL SCHOOLS

See also above, this title, COMMON SCHOOLS — SCOPE OF SYSTEM.

General supervision of state normal college and state normal schools vested in state board of education. (Mich. XI 6.)

Legislature shall provide for training of teachers in, or otherwise, to be proficient in English and Spanish languages qualified to teach Spanish-speaking pupils. No amendment to constitution to affect this provision, unless proposed by vote of three-fourths of members elected to each house and ratified by vote of people in clear election at which at least three-fourths of electors voting in cou

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EDUCATION (*Cont'd*)

NORMAL SCHOOLS (*Cont'd*)

in whole state and at least two-thirds of those voting in each county in state, shall vote for amendment. (N.M. XII 8, XIX 1.)

When sustained wholly or in part by state to be under control of board of five members (legislature may increase to nine), approved by governor, confirmed by senate, under rules and restrictions provided by legislature. (S.D. XIV 3.)

Legislature may establish. (Nev. XI 5; Va. IX 137.)

Legislature to provide for not more than two. (Fla. XII 14.)

One-third of lands or proceeds thereof accruing from section 13 in every portion of the state to go to normal schools. (Okla. XI 5.)

Provision for four state normal schools with land grants and for government of. (N.M. XII 11, 12, 13.)

The legislature shall maintain a state normal school and such state normal schools as may be established by law. (Mich. XI 10.)

No appropriation hereafter to any state normal school or branch thereof, except those already established in operation, or now chartered. (W.Va. XII 11.)

Legislature may provide for maintenance of the Winthrop Normal and Industrial College as a branch of State University and may create scholarships therein. (S.C. XI 8.)

State normal schools located at Minot, and at Mayville and provision made for special allotment of public lands. (N.D. XIX 216.)

Louisiana state normal at Natchitoches recognized. Legislature directed to make appropriations for maintenance, support and improvement of. (La. 257.)

State normal school located at Valley City, and specifying special grant of land for. (N.D. XIX 215.)

Legislature may appropriate money for when not under absolute control of state if established by law for professional training of teachers for public schools of state. (Pa. III 17.)

Colored Agricultural and Normal University shares one-third of lands and proceeds accruing from section 13 in every part of state. (Okla. XI 5.)

Normal department included in State University. (Kan. VI 7; N.C. IX 14.)

Normal schools to share in residue of income from permanent school fund, for support, libraries and apparatus, after common school needs supplied. (Wis. X 2.)

REFORM SCHOOLS, *See* PENAL INSTITUTIONS — REFORMATORIES.

SCHOOL CENSUS

Legislature shall provide for a school census by townships and districts not oftener than once in two years, and shall punish persons making false returns. State superintendent of education may take new census in any township, district or county whenever he believes false returns have been made. (Ala. XIV 268.)

Legislature shall provide for enumeration of educable children. (La. 248.)

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EDUCATION (*Cont'd*)

SCHOOL DISTRICTS

Under this subhead are digested provisions relating particularly to school districts; for districts in general, See DISTRICTS.

Affairs of

Special and local legislation regulating, forbidden. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 46.)

Bonds

Legal security for banks to qualify for deposits of public funds. (Cal. XI 16½.)

Creating or Changing of Boundaries

No independent free school district or organization to be created without consent by majority vote of district out of which it is created. (W.Va. XII 10.)

Special and local legislation changing, forbidden. (Ala. IV 104 (22); Del. II 19; Minn. IV 33; Mo. IV 53; Pa. III 7.)

Debt

See also above, this title, BOARDS OF EDUCATION — DEBT.

Existing Time Adoption Constitution

Nothing in this article to be construed to impair or add to obligation of debts contracted in accordance with territorial law; or to prevent contracting any debt or issuing bonds therefor in accordance with laws of territory upon proposition which according to such laws was submitted to qualified electors before constitution took effect. (Colo. XI 9.)

To remain valid and unaffected until paid or refunded according to law. (N.M. XXII 12.)

Nothing in constitution to legalize invalid debt of school district or board of education of territory or impair any defense against payment thereof. (Okla. Sched. 37.)

Bonds previously issued and approved by attorney-general and registered by comptroller declared valid obligations of district which issued them. (Tex. VII 3a.)

Nothing in this article of constitution to impair or add to obligation of any debt contracted prior to constitution under laws of territory; or to prevent contracting of debt or issuing bonds under proposition submitted under laws of territory to qualified electors before constitution took effect. (Utah XIV 7.)

Limit of Amount

Not to become indebted for any purpose in any manner to amount exceeding 4 per cent. of taxable property without approval on referendum, but under no circumstances to become indebted to amount exceeding 10 per cent. of taxable property shown by the last assessment roll; value of taxable property to be ascertained by last assessment for state and county purposes previous to incurring debt. (Ariz. IX 8.)

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Debt (*Cont'd*)
Limit of Amount (*Cont'd*)

Not to be allowed to become indebted in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 5 per cent. value of taxable property therein ascertained by last assessment for state and county taxes previous to incurring debt; but this not to prevent issuing bonds in compliance with vote of people had prior to adoption constitution in pursuance of law. (Ill. IX 12.)

Total bonds for all purposes never to exceed 10 per cent. of assessed valuation "of the property" therein. (La. 281 (1).)

Not to be allowed to become indebted in any manner or for any purpose to amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein; value of taxable property to be ascertained by assessment next before last assessment for state and county purposes previous to incurring debt. (Mo. X 12.)

Not to be allowed to become indebted in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 3 per cent. of value of taxable property therein to be ascertained by last assessment for state and county taxes previous to incurring such debt; all bonds and obligations in excess of this amount to be void. (Mont. XIII 6.)

Not to become indebted in amount exceeding 6 per cent. of assessed valuation taxable property within district as shown by preceding general assessment; this not to prevent issue of bonds to pay or refund valid bonds of school district. (N.M. IX 11, 15.)

Shall never exceed 5 per cent. of assessed value of taxable property therein. In estimating existing debt that contracted prior to adoption of constitution as well as that contracted subsequent thereto to be included. Bonds or obligations in excess of this limit to be void. (N.D. XII 183.)

Not to be allowed to become indebted in any manner for any purpose to amount including existing debt not to exceed in aggregate 5 per cent. of valuation of taxable property therein to be ascertained from last assessment for state and county purposes previous to incurring debt. Limitation on amount of debt not to "apply" to debt created or bonds issued to pay existing debt under territory. (Okla. X 26, Sched. 25.)

Not to exceed 7 per cent. of assessed value of taxable property therein. (Pa. IX 8.)

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Debt (*Cont'd*)
Limit of Amount (*Cont'd*)

Not to exceed 8 per cent. assessed value taxable property therein. When several political divisions or municipal corporations cover same territory each of such divisions or corporations to "so exercise its power to increase its debt" that aggregate debt upon any territory of state shall never exceed 15 per cent. of taxable property in such territory as valued for state taxes, but this is not to prevent issue of bonds to refund valid municipal debt contracted in excess of the 8 per cent. limit prior adoption of constitution. This not to apply to bonded debt incurred by specified school district to be used exclusively for erecting and extending school buildings, when question of incurring such debt is submitted to qualified electors as provided in constitution for other debt. (S.C. X 5.)

Never to exceed 5 per cent. of assessed valuation of taxable property therein for year preceding that in which the indebtedness is incurred; in estimating amount which may be incurred, the amount of debt contracted prior to adoption of constitution to be included in computation of existing debt. (S.D. XIII 4.)

No debt to be created by school district or subdivision thereof to become indebted "to an amount including existing indebtedness exceeding 4 per centum of the value of the taxable property therein". Value of taxable property to be ascertained from last assessment for state and county purposes previous to incurring debt. Nothing in this article of constitution to prevent contracting debt or issuing bonds under proposition submitted under laws of territory to qualified electors before constitution took effect. (Utah XIV 3.)

Not to become indebted for any purpose in any manner to amount exceeding 1½ per cent. of taxable property therein without assent of three-fifths voters voting at election held for that purpose. In cases requiring assent of three-fifths such voters total debt at any time not to exceed 5 per cent. on value of such taxable property; value of taxable property to be ascertained from last assessment for state and county purposes previous to incurring debt. (Wash. VIII 6.)

Not to be allowed to become indebted in any manner or for any purpose to an amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein to be ascertained by last assessment for state and county taxes previous to incurring debt; cases where bonds have already been authorized (at time of adoption

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Debt (*Cont'd*)
Limit of Amount (*Cont'd*)
of constitution) to be issued excepted from operation of this limitation. (W.Va. X 8.)
Not to be "allowed to become indebted in any manner or for any purpose to any amount including existing indebtedness in the aggregate exceeding 5 per cent. on the value of the taxable property therein"; value of taxable property to be ascertained by last assessment for state and county taxes previous to incurring debt. (Wis. XI 8.)
Law Authorizing
Local and special legislation providing for bonding of, forbidden. (Nebr. III 15.)
Purpose
To be incurred only for strictly school district purposes. (Utah XIV 4; Wash. VIII 6.)
Not to borrow money except for erection and furnishing of school buildings or purchasing school grounds. (N. M. IX 11.)
Not to lend or pledge credit or faith in any manner to or in aid of any person, company or corporation for any amount or for any purpose, "public or private", or become responsible for any debt, contract or liability of any person, company or corporation, "public or private" in or out of state. (Colo. XI 1.)
Legislature may provide for "special tax school districts to issue bonds for the exclusive use of public free schools within such special school tax district whenever a majority of the qualified electors thereof who are free holders shall vote in favor of the issuance of such bonds". (Fla. XII 17.)
No school district or board of education to lend or pledge credit or faith in any manner to or in aid of individual, association or corporation, for any amount or for any purpose or become responsible for any debt contracted or liability of any individual, association or corporation in or out of state. (Ida. VIII 4.)
No bonds to be issued for any purpose other than that stated in propositions submitted to taxpayers nor for a greater amount than therein stated, nor shall such bonds be issued for any purpose other than "for constructing, improving and maintaining public roads and highways, paving and improving streets, roads and alleys, purchasing and constructing systems of waterworks, sewerage, drainage, navigation, lights, public parks and buildings together with all necessary equipment and furnishings, bridges

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Debt (*Cont'd*)
Purpose (*Cont'd*)

and other works of public improvement, the title to which shall rest in the subdivision creating the debt as the case may be". (La. 281 (1).)

Detailed provisions for bond issue of $2,000,000 by "board of directors of the public schools for the parish of Orleans" for school sites, school buildings, playgrounds and appurtenances. (La. 255 (amendment submitted by Act. No. 262, 1914.)

Credit not to be given or loaned to or in aid of any individual, association or corporation, except for necessary support of poor. (N.D. XII 185.)

Except as otherwise provided in constitution, school district not to lend or pledge its credit directly or indirectly in aid of any person, association or public or private corporation or of any private enterprise for construction of railroad; this not to prevent issue of bonds to pay or refund valid bonds of school district. (N.M. IX 14, 15.)

Not to give or lend credit to individual, association or corporation except for necessary support of poor; and not to give or lend credit in aid of railroad or telegraph lines, but this does not affect obligations contracted prior to adoption of constitution. (Wyo. XVI 6, 5.)

Single school district of city and county of Denver to assume and pay all bonds, obligations and indebtedness of each of separate school districts merged in such district and a proportion of such bonds, obligations and indebtedness of districts partially merged. (Colo. XX 7.)

Redemption and Interest

No debt in excess of revenue to be incurred by school district or board of education unless at or before time of incurring provision be made for collection of annual tax sufficient to pay interest as it falls due and also to constitute sinking fund for payment of principal on or before maturity. Except as provided in constitution, debt incurred contrary to this provision to be void. (Cal. XI 18.)

Debts of school district merged in single district for city and county of Denver to be paid principal and interest by special tax fixed and certified by board of education to council "which shall levy the same upon the property within the boundaries of such district respectively as the same existed at the time such district becomes a part of said district No. 1 (that being the merged district for the city and county) and in case of partially included districts such tax shall be equitably apportioned upon the several parts thereof". (Colo. XX 7.)

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Debt (*Cont'd*)
Redemption and Interest (*Cont'd*)

Whenever "special tax school district" votes in favor of issuance of bonds tax to be levied not exceeding 5 mills on dollar in any year on taxable property within district voting for such bond issue. Such tax to become fund for payment of interest and redemption of such bonds. (Fla. XII 17.)

No school district or board of education to incur any debt or liability unless at time of incurring thereof provision be made for collection of annual tax sufficient to pay interest and to constitute a sinking fund for payment of prinicipal within 20 years from time of contracting. (Ida. VIII 3.)

To provide at or before time of incurring indebtedness for collection direct annual tax sufficient to pay interest and discharge principal within 20 years from time of contracting. (Ill. IX 12.)

Each year while bonds are outstanding "governing authorities" to impose and collect in excess of other taxes a tax sufficient to pay interest annually or semi-annually and principal falling due each year, or such amount as may be required for any sinking fund necessary to retire said bonds at maturity, but such special tax not to exceed in any year 10 mills on dollar of assessed valuation of property therein. Similar and detailed provisions for refunding and renewal bonds. (La. 281 (1), (6).)

Bonds not to run for longer period than 40 years from their date and not to bear interest at a greater rate than 5 per cent. per annum and not to be sold for less than par; similar provision for renewal or refunding bonds. (La. 281 (1), (6).)

Before incurring debt requiring assent of voters, provision to be made for collection of annual tax sufficient to pay interest as due and to constitute sinking fund for discharge of principal within 20 years from time of contracting. (Mo. X 12.)

Provision to be made at or before incurring of debt for collection of annual tax sufficient to pay interest and principal when due; laws and ordinances making such provision to be irrepealable until debt paid. (N.D. XII 184.)

Before or at time of incurring debt in excess of income and revenue provision to be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 25 years from date of contracting. (Okla. X 26.)

School district to levy "sufficient additional revenue" to create sinking fund to be used first, for payment of in-

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Debt (*Cont'd*)
Redemption and Interest (*Cont'd*)

terest coupons; second, for payment of bonds; third, for payment of such parts of judgments as such municipality may by law be required to pay. (Okla. X 28.)

School district or board of education authorized to pay debts existing time adoption constitution either by tax levy or by issuing bonds in lieu thereof under provisions of "laws extended in force in the state". (Okla. Sched. 25.)

Provision to be made at or before incurring debt for collection of annual tax sufficient to pay interest and discharge principal within 30 years. (Pa. IX 10.)

All territory of any school district organized according to constitutional requirements, with from nine to 49 square miles of area, containing cities or towns, already organized into special school districts, where buildings have already been erected and debt incurred therefor, to bear its just proportion of any special tax to liquidate such indebtedness or support schools therein. (S.C. XI 5.)

At or before time of incurring debt, provision to be made for collection of annual tax sufficient to pay interest and principal when due; and all ordinances containing such provision to be irrepealable until debt paid. (S.D. XIII 5.)

Districts to levy annually and collect *ad valorem* tax sufficient to pay interest and provide sinking fund to redeem at maturity, but not exceeding limit of rate provided elsewhere in the constitution; trustees of districts unauthorized to make such levy. (Tex. VII 3a.)

Not to be allowed to become indebted without at same time providing for collection of direct annual tax sufficient to pay annual interest on such debt and principal thereof within not exceeding 34 years. (W.Va. X 8.)

Before or at time of incurring debt provision required to be made "for collection of direct annual tax sufficient to pay interest on such debt as it falls due and also to pay and discharge the principal thereof within 20 years from the time of contracting same". (Wis. XI 3.)

Referendum on Proposition to Incur

For provisions prohibiting debts in excess of income and revenue without referendum, See below, this subdivision, LIMIT OF AMOUNT.

No debt in excess of taxation for current year to be created by school district or subdivision thereof unless majority of such qualified electors as shall have paid a property tax in the preceding year shall approve proposition to create such debt. (Utah XIV 3.)

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Debt (*Cont'd*)
Referendum on Proposition to Incur (*Cont'd*)
Not to become indebted for any purpose to amount exceeding 1½ per cent. of taxable property therein, ascertained from last assessment for state and county purposes previous to incurring debt without assent of three-fifths voters voting at election held for that purpose. (Wash. VIII 6.)
No debt to be contracted under provision limiting the amount of debt unless all questions connected therewith shall have been approved by three-fifths of votes cast for and against on submission to people. (W.Va. X 8.)
Not to become indebted for any purpose to amount exceeding 4 per cent. of taxable property without assent of majority property taxpayers who must also be qualified electors voting at election provided by law to be held for purpose. (Ariz. IX 8.)
School district or board of education not to incur in any manner or for any purpose indebtedness or liability exceeding in any year the income and revenue provided for such year without approval of two-thirds of qualified electors voting at election held for purpose. Except as provided in constitution, indebtedness incurred contrary to this provision to be void. (Cal. XI 18.)
No debt by loan in any form to be contracted by district for erecting and furnishing school buildings or purchasing grounds unless proposition approved by majority qualified electors who paid school tax in preceding year and voting thereon. Nothing in this article of constitution to be construed to impair or add to obligation of debt contracted in accordance with territorial laws. (Colo. XI 7, 9.)
No school district or board of education to incur any debt or liability in any manner for any purpose "exceeding in that year" income and revenue provided for it for such year without assent of two-thirds qualified electors thereof voting at election held for purpose. Any debt or liability incurred contrary to this provision to be void, but this not to be construed "to apply to the ordinary and necessary expenses authorized by the general laws of the state". (Ida. VIII 3.)
No bonds to be issued unless authorized by vote of majority "in number and amount of the property taxpayers" qualified to vote and who vote at election held for purpose after due notice by newspaper publication as specified. Similar and detailed provisions for renewal and refunding bonds. (La. 281 (1), (6).)
Not to be allowed to become indebted for any purpose to amount exceeding in any year income and revenue pro-

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EDUCATION (*Cont'd*)

SCHOOL DISTRICTS (*Cont'd*)

Debt (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

vided in such year without assent two-thirds voters thereof voting at election held for that purpose. (Mo. X 12.)

Not to borrow money except when proposition therefor has been approved by majority of qualified electors of district voting thereon. This not to prevent issue without submission to voters of bonds to pay or refund valid bonds of the district. (N.M. IX 11, 15.)

Not to be allowed to become indebted for any purpose to amount exceeding in any year income and revenue provided in such year without assent three-fifths voters thereof voting at election held for that purpose. (Okla. X 26.)

Existing at Time Adoption of Constitution

Recognized as legal subdivisions of counties and continued until changed by law in pursuance of constitution. (Utah XI 1.)

Expenditures

In General

Not to increase pay or compensation of any public contractor above amount specified in the contract. (Conn. Amend. XXIV.)

Pledging credit, forbidden. (Ida. VIII 4; Colo. XI 1.)

Not to lend or pledge credit or make donations except as provided in constitution. (N.M. IX 14.)

Not to grant extra compensation to public officer, employee, agent or servant or increase compensation of public officer or employee to take effect during continuance in office of any person whose salary might be thereby increased. (Conn. Amend. XXIV.)

Not to lend or pledge credit directly or indirectly to or in aid of any person, company or corporation, public or private, or become responsible for any debt, contract or liability of any company or corporation, public or private, in or out of state (1). Nor make any donation or grant to or become subscriber or shareholder of, or joint owner with any person, company or corporation in or out of state, except as such ownership comes through public duties in connection with escheated estates, forfeitures, etc., in which they have official interest (2). (Colo. XI 1, 2.)

Corporate Stock

Not to become owner of in any association or corporation. (Wyo. XVI 6.)

School district not to become subscriber to or shareholder in any corporation or company. (Colo. XI 2.)

Not to subscribe to or become owner of capital stock of any association or corporation. (N.D. XII 185.)

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EDUCATION (*Cont'd*)

SCHOOL DISTRICTS (*Cont'd*)

Expenditures (*Cont'd*)

Aid to Individuals

Not to loan credit or make donations to individual, association or corporation except for necessary support of poor. (N.D. XII 185; Wyo. XVI 6.)

Aid to Public Corporation

Except as otherwise provided in constitution, school district not to make donation, directly or indirectly, to or in aid of public corporations. (N.M. IX 14.)

Aid to Private Enterprise

School district not to make donation or grant to or in aid of any person, company or corporation, "public or private" in or out of state. (Colo. XI 2.)

Except as otherwise provided in constitution school district not to make donations to or in aid of, directly or indirectly, any person, association or corporation or to any private enterprise for construction of railroad. (N.M. IX 14.)

Aid to Railroad or Telegraph Lines

Donations to, forbidden. (Wyo. X Railroads 5.)

Aid to Religious or Sectarian Purpose

See also below, this title, SECTARIAN INSTITUTIONS.

Property or credit of not to be given or loaned to any college, school, etc., under direction or control of any church or religious or sectarian denomination. (S. C. XI 9.)

Prohibited from voting public money for sectarian schools, colleges or universities. (Cal. IV 30.)

School district not to make appropriation or pay from any public fund or grant anything to or in aid of religious sect, church, creed or sectarian purpose or help to support or sustain any school, college, university, hospital or other institution controlled by any religious creed, church or sectarian denomination, but this does not prevent legislature granting aid to institutions for the support and maintenance of dependent children and indigent aged persons authorized by constitution. (Cal. IV 30.)

Joint Ownership

Not to become joint owner with any person or corporation, "public or private", "in or out of state" except such ownership as may accrue to school district jointly with any person, company or corporation by forfeiture or sale of real estate for non-payment of taxes or by donation or devise for public use or by purchase by or on behalf of any or either of them jointly with any or either of them under execution in cases of crimes, penalties or forfeitures or recognizance, breach of condition of official bonds, or

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EDUCATION (*Cont'd*)

SCHOOL DISTRICTS (*Cont'd*)

Expenditures (*Cont'd*)

Joint Ownership (*Cont'd*)

of bonds to secure public money or the performance of any contract in which they or any of them may be jointly or severally interested. (Colo. XI 2.)

Funds

See also above, this title, FUNDS.

Custody of

Legislature to pass suitable laws for safe-keeping of school district funds; persons charged therewith to give security; and legislature to pass laws making embezzlement thereof felony and part of punishment to be disqualification from holding office of honor or emolument in school district, but this disability may be removed by two-thirds vote of legislature on full payment principal and interest of sum embezzled. (S.C. X 12.)

Illegal Use

Making profit out of or using for unauthorized purposes by public officer to be felony and punished as provided by law. (Colo. X 13; Ida. VII 10; Mo. X 17; S.D. XI 11; Wyo. XV 8.)

In General

Neglecting to establish and maintain a school for at least six months in every year to be deprived of share in public school fund. (Nev. XI 2.)

A sliding scale arrangement provided for distribution of primary school interest fund in accordance with needs of school districts. (Mich. XI 9.)

Income of state school funds to be disbursed annually on order of state superintendent to county treasurers and thence to school district treasurers in proportion to number children between five and 21 years of age. No portion to go to district not maintaining school at least three months each year. (Kan. VI 4.)

Interest of school funds to be apportioned to school districts in proportion to number of children, six to 21, provided district maintains a public free school at least three months during the year. (Mont. XI 5.)

A district maintaining school less than four months entitled only to part of school fund necessary to pay teacher for time actually taught. (Miss. VIII 205.)

Failure to maintain one or more schools at least three months each year deprives school district of any portion of school fund for that year. (Colo. IX 2.)

School districts failing to maintain a school for five months of each year to be deprived of their appropriation of the public school interest fund, unless they provide for a similar term of instruction for their pupils in schools of another district. (Mich. XI 9.)

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Funds (*Cont'd*)
Transfer and Disbursement of
Legislature to pass suitable laws for and officers charged therewith to keep accurate entry of each sum received and of each payment and transfer, and to give bond. (S.C. X 12.)
How Constituted
Legislature may divide counties into. (Fla. XII 10.)
Legislature shall provide for organization of, convenient in size, and each to have a board of education consisting of three or more directors elected by qualified electors of district; directors to have control of instruction in schools of their respective districts. (Colo. IX 15.)
Local or special legislation creating, forbidden. (Ala. IV 104 (22); Del. II 19; Minn. IV 33; Pa. III 7.)
Legislature shall provide by general, special or local law for equitable division of property assets and liabilities of, between any school district of territory of Oklahoma and any new school district as effected by change in county boundaries under constitution. (Okla. Sched. 32.)
City and county of Denver shall alone always constitute school district No. 1, its affairs to be conducted by board of education, constituted and elected as general school laws shall provide; board to perform all acts and duties as required by general laws of the state which, except as inconsistent with this amendment, be held to extend and apply to district No. 1; upon annexation of any contiguous municipality which includes a school district the latter with their property shall be merged in district No. 1 which also becomes liable for obligations and indebtedness of any school district so merged; provided both principal and interest of indebtedness of annexed district shall be paid by it from special tax to be levied upon its property located within its boundaries before annexation. (Colo. XX 7.)
Any incorporated town or city may constitute a. (Fla. XII 11.)
City or town may be made by legislature separate and independent. (Tex. XI 10.)
Each county to be divided into convenient number of, with one or more public schools in each county at least four months each year. County commissioners failing to comply with these requirements liable to indictment. (N.C. IX 3.)
Legislature may create by general or special law without local notice required in other special legislation. Districts may embrace parts of two or more counties. (Tex. VII 3.)
Legislature to divide counties into school districts of not less than nine nor more than 49 square miles, provided area limits do not apply in cities of 10,000 inhabitants or more. New districts to assume full liability bonded indebtedness of all parts of which composed and support of all schools

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EDUCATION (*Cont'd*)

SCHOOL DISTRICTS (*Cont'd*)

How Constituted (*Cont'd*)

therein and laws under which existing graded school districts are organized not repealed by this section but to remain until changed by legislature. (S.C. XI 5.)

Each magisterial district to constitute a separate school district unless otherwise provided by law. Three trustees to be selected for term and in manner prescribed by law. (Va. IX 133.)

To remain as counties are now divided until changed by law. (W.Va. XII 6.)

Incorporation

Special or local legislation forbidden. (Minn. IV 33; S.C. III 34.)

Judgments Against

Not to issue on judgment against school district or against any officer therein in his official capacity and for which the school district is liable; such judgment shall be paid out of the proceeds of a tax levy and when so collected shall be paid by the "county treasurer" to the judgment creditor. (N.M. VIII 7.)

Offices

See also below, this subdivision, OFFICERS.

Local or special legislation creating or prescribing powers and duties, forbidden. (Cal. IV 25; Ida. III 19; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; Wyo. III 27.)

Officers

Compensation

Local or special legislation relating to the compensation, salary or fees of or the mode of election or appointment thereto, forbidden. (Minn. IV 33.)

Election

School officers to be elected at such times as may be provided by law. (Utah IV 9.)

Election of officers of school districts to be separate from elections for state and county officers. (Mont. XI 10.)

Fees

To be required by law to keep account of and pay into proper treasury all fees collected, and officer whose duty it is to collect shall be made responsible under his bond for neglect to collect. (Wyo. XIV 2.)

Local or Special Law

See also above, this subdivision, "OFFICES" *and below, this subdivision,* "REGULATING AFFAIRS OF".

Local or special legislation creating offices or prescribing powers or duties thereof, forbidden. (Cal. IV 25; Ida. III 19; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69 (32); Okla. V 46; Pa. III 7; Tex. III 56; Wyo. III 27.)

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EDUCATION (*Cont'd*)
SCHOOL DISTRICTS (*Cont'd*)
Officers (*Cont'd*)
Provision for
Legislature shall provide by general law for necessary officers and prescribe duties and compensation. (S.D. IX 6.)
Removal
In case of elected officer to be in manner and for cause prescribed by law. (Mich. IX 8.)
Sex Qualifications
Women eligible for. (Mont. IX 10; S.D. IX 7.)
Women are eligible but majority of qualified voters of any school district may by petition to board of county commissioners suspend women's right and similarly by petition restore it; county commissioners to certify its suspension or restoration to proper district. (N.M. VII 1.)
Regulating Affairs of
Special or local law prohibited. (Minn. IV 33; Okla. V 46.)
SCHOOL ELECTIONS
Provision for
To be regulated by legislature except as otherwise provided by constitution and specified provisions of constitution relating to election of other officers not to apply. (Ky. 155.)
Elections for school trustees and other common school district elections to be regulated by legislature except as otherwise provided in constitution, sections 145 to 154 of which for general elections do not apply. (Ky. 155.)
Qualifications for Voters
See also ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — SEX.
Prescribed by law. (Ariz. VII 8.)
Time of
See also above, this title, SCHOOL DISTRICTS — OFFICERS — ELECTION.
To be held at different times from other elections. (N.M. VII 1.)
SCHOOL FUNDS, *See above, this title,* "FUNDS", "SCHOOL DISTRICTS — FUNDS", *and below, this title,* "STATE UNIVERSITY — FUNDS".
SCHOOLHOUSES
Proceeds of school district tax may be used for building and repairing schoolhouses provided distribution among all schools of district be equitable. (Fla. XII 11.)
All expenses connected with erection and repair of school buildings to be defrayed as provided by law. (Del. X 4.)
Legislature prohibited from passing any special private or local act to regulate building or repairing schoolhouses. (La. 48; Minn. IV 33; Mo. IV 53 (19); Okla. V 46; Pa. III 7; Tex. III 56.)
SCHOOL LANDS, *See* PUBLIC LANDS.

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EDUCATION (*Cont'd*)

SCHOOL OFFICERS

For provisions relating to officers in school districts, See above, this title, SCHOOL DISTRICTS — OFFICERS.

Compensation

Except constables to be paid fixed and definite salaries. (Utah XXI 1.)

To be paid fixed and definite salaries to be fixed by legislature, except as provided by constitution, and to be in proportion to value of services rendered. (Wyo. XIV 1.)

In state, district, city, county or town to be paid fixed salaries and to be required by law to account for all fees and pay same into proper treasury. (Utah XXI 1, 2.)

Dual Office Holding

Officers of public schools may be elected to fill any executive or judicial office. (Ark. XIX 26.)

Election or Appointment

Legislature shall provide for election or appointment of all necessary, define qualifications, powers, duties, compensation and terms of office. Salaries of state and county, and compensation of county treasurers for collection and disbursement of school moneys not to be paid from school funds but be otherwise provided for by legislature. (S.C. XI 3, 4.)

To be elected at such time as prescribed by law. (Utah IV 9.)

Fees

To be required by law to keep correct account of fees collected and to pay into proper treasury; and officer whose duty it is to collect such fees shall be responsible under bond for them. (Utah XXI 2.)

School district officers required by law to keep account of all fees and pay same into proper treasury. (Wyo. XIV 2.)

Qualifications

Women 21 years of age and upwards eligible as. (Pa. X 3.)

Women having the qualifications of male electors as to age, residence and citizenship may vote on all matters pertaining to school questions and are eligible for any school office. (N.D. V 128.)

Women possessing other qualifications of electors eligible to vote for, and also to hold office pertaining to the management of schools. (Minn. VII 8.)

Nothing in this section requiring county, township, and district officers to be electors of county, township and district in which elected shall prevent holding of school offices by any person as provided in article VII, section 9, and legislature may prescribe additional qualifications for superintendent of schools not inconsistent with constitution. (S.D. IX 7.)

Any woman having qualifications of male electors as to age, residence and citizenship, and including those qualified under laws of territory may hold any office in state except as otherwise provided in the constitution. (S.D. VII 9.)

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EDUCATION (*Cont'd*)
SCHOOL OFFICERS (*Cont'd*)
Qualifications (*Cont'd*)
Women eligible for school trustee. (Nev. XV 3.)
Women eligible to be school director or member of board of education. (N.M. VII 2.)
Women eligible to school and library offices. (Minn. VII 8.)
Recall
District school board officers in cities of first class may be recalled by voters at special election on petition of 25 per cent. of votes cast for all candidates for district school board office at preceding election; and 35 per cent. for officers of other school districts. (Wash. I 34.)
Removal
State board of education has power of removal of subordinate school officers for cause upon notice to incumbent. (Fla. XII 3.)
School Director
Women with qualifications of male electors eligible for. (N.M. VII 2.)
School Trustees
Women eligible with certain age and residence qualifications. (Nev. XV 3.)
Legislature may divide counties into school districts and provide for election biennially of three school trustees to have supervision of schools of, and with power to levy and collect district school tax not to exceed 3 mills for exclusive use of free schools of district whenever majority of qualified electors who pay real or personal property tax vote for same. (Fla. XII 10.)
Not less than three for each school district to be selected from qualified voters and taxpayers therein for terms and as legislature may determine, except manner of selection need not be uniform, and except that in special school districts now existing law governing same shall remain until changed by legislature. (S.C. XI 6.)
Term
Legislature to fix terms and manner and time of electing or appointing other officers than state superintendent having supervision of public instruction. (Wis. X 1.)
Such even number of years not exceeding four as may be prescribed by law. (Ohio XVII 2.)
SCHOOL TAXES
For taxation for school purposes, See "TAXATION — OBJECTS AND KINDS OF TAXATION — POLL TAXES" *and* "TAXATION — SCHOOL TAXES".
SCHOOLS FOR WHITE AND COLORED
Separate schools shall be provided and impartial provision made for both. (Del. X 2; Fla. XII 12; N.C. IX 2; Okla. XIII 3; Tex. VII 7.)

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EDUCATION (*Cont'd*)

SCHOOLS FOR WHITE AND COLORED (*Cont'd*)

Separate schools shall be provided and no child of either race permitted to attend school provided for other. (Ala. XIV 256; S.C. XI 7.)

Children of Spanish descent not to be denied full privileges of public schools and not to be segregated in separate schools but guaranteed full equality with other children in public schools and educational institutions of state under penalty for violation to be fixed by legislature; three-fourths vote of electors voting in whole state and two-thirds of those voting in each county required to amend this section. (N.M. XII 10.)

No distinction or discrimination to be made on account of sex, race or color. (Wash. IX 1; Wyo. VII 10.)

No distinction or classification of pupils allowed on account of race or color. (Colo. IX 8.)

White and colored persons not to be taught in same school. (Ga. VIII 1; Ky. 187; La. 248; Miss. VIII 207; Mo. XI 3; Okla. I 5; Tenn. XI 12; Va. IX 140; W.Va XII 8.)

Legislature may make appropriation to one college or university for education of colored persons. (Ga. VIII Sec. VI.)

SCHOOL TEXT-BOOKS AND SUPPLIES

Selection of vested in state board of education. (Va. IX 132.)

State board of education to provide, compile or cause to be compiled, and adopt uniform series of text-books for day and evening elementary schools; and may require superintendent of state printing to print same, and shall distribute same free of cost to all children attending elementary schools, under conditions prescribed by legislature. Text-books so adopted shall continue in use not less than four years without changes necessitating furnishing pupils with new books. (Cal. IX 7.)

Pupils in primary grades or public schools in parish of Orleans unable to furnish requisite books shall upon proper certification of that fact be given books to be paid for out of the school fund of the parish and the school board is directed to appropriate not less than $2,000 annually if so much is needed for this purpose. (La. 261.)

School text-books to be supplied to children attending public schools where parents or guardians by reason of poverty are unable to furnish. (Va. IX 139.)

There shall be uniform system of school text-books not to be changed more than once in six years. (N.M. XX 17.)

Legislature shall provide uniform system of school text-books for common schools. (Okla. XIII 6.)

Neither legislature nor state board of education to prescribe use of text-books. (Colo. IX 16; Utah X 9.)

Neither legislature nor superintendent of public instruction to prescribe text-books to be used in schools. (Wyo. VII 11.)

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EDUCATION (*Cont'd*)

SCHOOL TEXT-BOOKS AND SUPPLIES (*Cont'd*)

No teacher, school officer or public official may be interested in sale, proceeds or profits of text-books, apparatus or furniture used in any school with which said teacher or officer is connected, under penalties fixed by legislature. (Ill. VIII 4; Miss. VIII 210; S.D. VIII 17.)

No one connected with state school system or state educational institutions to be interested in profits of books or anything used therein under penalties prescribed by law. This does not apply to any work written or thing invented by such person. (W.Va. XII 9.)

SECTARIAN INSTITUTIONS

For prohibition of religious tests for teachers or students in educational institutions and sectarian control of common schools, See above, this title, COMMON SCHOOLS — MANAGEMENT.

See also below, this title, SECTARIAN INSTRUCTION.

Public moneys not to be appropriated for sectarian schools. (Ariz. IX 10; Colo. V 34, IX 7; Fla. XII 13; La. 253; Mass. Amend. XVIII; Minn. VIII 3; Miss. VIII 208; Mont. XI 8; Nev. XI 10; N.H. II 82; N.M. XII 3; N.D. VIII 152; Okla. II 5, XI 5; Ore. I 5; S.C. XI 9; S.D. VI 3, VIII 16; Tex. I 7; Utah X 13; Wash. IX 4, XXVI; Wyo. VII 8.)

No public money, lands, property or credit to aid of sectarian schools. (Ill. VIII 3; Mo. XI 10; N.M. XII 3; N.Y. IX 4; S.D. VIII 16.)

Public money or property not to be appropriated or used for benefit of sectarian schools. (Ida. IX 5; Okla. II 5, XI 5; Tex. I 7.)

No money raised for public schools to be appropriated for sectarian schools. (Ala. XIV 263; Pa. X 2.)

No money to be drawn from treasury for benefit of theological seminaries. (Mich. II 3; Minn. I 16; Ore. I 5; Tex. I 7; Utah X 13; Wis. I 18.)

No appropriations nor public funds to be used in aid of any church, school or educational institution controlled by any church or sectarian denomination. (Colo. IX 7.)

Neither legislature nor any county, city and county, township, school district or other municipal corporation shall help to support or sustain any school, college or university controlled by any religious creed, church or sectarian purpose. (Cal. IV 30.)

No appropriation or payment from school fund, or grant of land or property to be made by legislature, county, city, town or school district to aid school or educational institution controlled in part or whole by any church, sect or denomination or for sectarian purpose. (Mont. XI 8.)

No portion of public school fund to go to any private school or school, academy, seminary, college or institution controlled by any church or sectarian organization. (Wyo. VII 8.)

No part of proceeds of school lands to be used for support of any religious or sectarian school, college or university. (Okla. XI 5.)

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EDUCATION (*Cont'd*)

SECTARIAN INSTITUTIONS (*Cont'd*)

Appropriations, loans or gifts of public property or funds not to be made to sectarian schools or colleges directly or indirectly when wholly or in part under direction or control of any church or religious or sectarian denomination, society or organization. (S.C. XI 9.)

No portion of school fund to be used for sectarian schools. (Ky. 189.)

School fund not to be used for sectarian, church or denominational schools. (Del. X 3.)

No religious or other sect to have any right to or control over any part of state school funds. (Ohio VI 2.)

No religious sect to control any school or educational funds of state. (Miss. VIII 208.)

No religious sects to control any part of common school or university funds. (Kan. VI 8.)

SECTARIAN INSTRUCTION

Prohibited in public educational institutions of state. (Ariz. XI 7, XX 7; Cal. IX 8; Colo. IX 8; Mont. XI 9, Ord. I 4; Nebr. VIII 11; Nev. XI 9; N.H. II 82; N.M. XXI 4; N.D. VIII 147; Okla. I 5; S.D. VIII 16, XXVI 18 (4); Utah X 1, Ord. III; Wis. X 3; Wyo. Ord. 5.)

Prohibited in State University. (Wis. X 6.)

School districts allowing lose their share of public school fund. (Nev. XI 2.)

Guarantee of freedom of worship and to hold religious sentiments not to be construed to exclude Holy Bible from use in any public school. (Miss. III 18.)

Compulsory attendance on religious service not to be required of teachers or students in public schools or educational institutions of state. (Mont. XI 9; N.M. XII 9; Wyo. VII 12.)

SEX DISTINCTIONS OR DISCRIMINATIONS

See also below, this title, STATE UNIVERSITY—ADMISSION.

None allowed in public schools. (Kan. II 23; Wash. IX 1; Wyo. VII 10.)

SPECIAL SCHOOLS, COLLEGES AND UNIVERSITIES

For education of blind, deaf and dumb, feeble-minded and idiots, See under these subdivisions under title CHARITIES.

See also above, this title, COMMON SCHOOLS — SCOPE OF SYSTEM.

See also above, this title, "INDUSTRIAL SCHOOLS", "NORMAL SCHOOLS", "AGRICULTURAL AND MECHANICAL COLLEGE", "MECHANIC ARTS", "MINING INSTRUCTION", "AGRICULTURAL COLLEGES".

Southern University for education of persons of color, recognized but appropriation for maintenance and support not to exceed $10,000 per annum. (La. 257.)

Scientific school or other educational or charitable institution located at Wahpeton with grant of 40,000 acres of land. (N.D. XIX 216.)

Yale College charter confirmed. (Conn. VIII 1.)

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EDUCATION (*Cont'd*)

SPECIAL SCHOOLS, COLLEGES AND UNIVERSITIES (*Cont'd*)

Leland Stanford Junior University, trusts and estates of approved and confirmed. Legislature permitted to grant corporate powers and privileges, and to exempt its personal and real property from state, county and municipal taxation under specified conditions provided residents of California are charged no tuition except such fees as legislature may authorize. (Cal. IX 10.)

Harvard College, powers, privileges, etc., of president and fellows confirmed; likewise gifts, grants, etc., confirmed and government of the university provided with power in the legislature to alter or amend the same. (Mass. V 1.)

Legislature prohibited from passing any special, private or local act for management or support of private schools incorporating same or granting privileges. (Miss. IV 90.)

Legislature may establish agricultural schools. (Va. IX 137.)

Legislature shall establish uniform system of free public schools and as soon as practicable, establish schools of higher grade. (Miss. VIII 201.)

Laws to be passed to enable cities and towns to maintain free high, industrial and commercial schools. (Ariz. XI 9.)

Supervision of schools of higher grade vested in state board of education as law shall provide. (Fla. XII 3.)

School of forestry located at Bottineau, with allotment of land granted by United States. (N.D. XIX 216.)

Manual training and technical schools and such grades of schools as shall be for the public good, legislature may establish. (Va. IX 137.)

New Mexico military institute at Roswell; provision for support and government of. (N.M. XII 11, 13.)

STATE BOARD

Compensation

None allowed. (Ariz. XI 3.)

Expenses

Legislature shall provide for traveling of appointed members. (S.C. XI 2.)

Legislature shall provide for contingent. (N.C. IX 12.)

Allowed. (Ariz. XI 3.)

How Constituted

Consists of governor as chairman, state superintendent of education as secretary, and not exceeding seven persons appointed by governor every four years. (S.C. XI 2.)

Governor, comptroller and secretary of state. (Tex. VII 8.)

Superintendent of public instruction, president, and until otherwise provided by law to consist of governor, secretary of state, auditor-general and superintendent. (Okla. XIII 5.)

Governor, president *ex officio*, lieutenant-governor, secretary of state, treasurer, auditor, attorney-general, and superintendent of public instruction as secretary *ex officio*. Majority a quorum. (N.C. IX 8, 7, 9.)

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EDUCATION (*Cont'd*)

STATE BOARD (*Cont'd*)

How Constituted (*Cont'd*)

As provided by law with state superintendent a member *ex officio*. (Ida. IX 2.)

Seven members, governor and superintendent of public instruction, *ex officio* and five appointed by governor with consent of senate, to include head of some state educational institution, a county superintendent of schools, and one other connected with educational work. Legislature may provide for district or other school officers subordinate to board. (N.M. XII 6.)

Secretary of state, attorney-general and superintendent of public education. Superintendent and one other a quorum. (Miss. VIII 203.)

Superintendent of public schools, president, and governor, secretary of state and attorney-general *ex officio* members. (Mo. XI 4.)

Consists of four members elected for term of six years, one at each succeeding biennial spring election. (Mich. XI 6.)

Consists of governor as president, secretary of state, attorney-general, state treasurer and state superintendent of public instruction as secretary. (Fla. XII 3.)

Consists of superintendent of public instruction and such other persons as legislature may provide. (Utah X 8.)

Superintendent of public instruction as president, secretary of state and attorney-general. (Colo. IX 1.)

Legislature shall provide for appointment or election of. (Cal. IX 7.)

Legislature shall provide for creation of. (La. 250.)

Governor, superintendent of public instruction, president of the university and principals of state normal schools, *ex officio*, and a city superintendent of schools, a principal of a high school, and a county superintendent of schools, appointed by governor. (Ariz. XI 3.)

Composed of governor, attorney-general, superintendent of public instruction and three experienced educators elected quadrennially by the senate from list of eligibles nominated by University of Virginia and other state institutions specified. Vacancies filled for unexpired term by the board. (Va. IX 130.)

Powers and Duties

As prescribed by law. (Ariz. XI 3; Cal. IX 7; Colo. IX 1; Mich. XI 6; Miss. VIII 203; Okla. XIII 5; S.C. XI 2; Tex. VII 8.)

STATE BUILDINGS

Supervision of vested in state superintendent of education. (Fla. IV 25.)

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EDUCATION *(Cont'd)*

STATE FUNCTION

Here are found only general provisions committing state to encouragement and support of educational interests.

See also above, this title, "COMMON SCHOOLS", "SPECIAL SCHOOLS, COLLEGES AND UNIVERSITIES", *and below, this title,* "STATE UNIVERSITY".

Duty of legislature to cherish interests of, especially the university at Cambridge, public schools and grammar schools in towns and private societies for promotion of agriculture, arts, sciences, etc. (Mass. Pt. II Ch. V 2.)

Duty of legislature to encourage schools and the means of instruction. (Nebr. I 4.)

Educational institutions to be established and supported by the state as public good may require and as may be prescribed by law. (Colo. VIII 1; Okla. XXI 1.)

Duty of legislature to promote and to adopt all means necessary and proper to secure to people advantages and opportunities of education. (R.I. XII 1.)

Schools and the means of education to be forever encouraged. (Mich. XI 1; N.C. IX 1.)

Duty of legislature to cherish literature and science. (Tenn. XI 12.)

Educational institutions and those for benefit of insane, blind, deaf and dumb as public good may require shall be established and supported by state. (Ida. X 1.)

Legislature shall foster and encourage moral, intellectual, scientific and agricultural improvement, and make provision for organization of such institutions of learning as best interest of general education in state may demand. (W.Va. XII 12.)

Duty of legislature to encourage and endow academies, colleges and seminaries of learning but legislature must make such endowment conditional on reservation of power to alter, limit or restrain powers of such institutions. (Me. VIII.)

Legislature shall encourage intellectual, scientific, moral and agricultural improvement. (Cal. IX 1.)

Duty of legislature to encourage schools and the means of instruction. (Ohio I 7.)

Legislature shall encourage and advance sciences and liberal arts. (Wyo. I 23.)

People have right to the privileges of, which it is duty of state to guard and maintain. (N.C. I 27.)

Educational institutions other than existing state institutions or those provided for in the constitution shall not be established except upon two-thirds vote of members elected to each house of legislature. (La. 60.)

STATE UNIVERSITY

Here are digested provisions relating alone to state universities; for provisions relating to state institutions in general, See STATE INSTITUTIONS.

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EDUCATION (*Cont'd*)

STATE UNIVERSITY (*Cont'd*)

Admission

Open to students of both sexes. (Ariz. XI 6; Wyo. VII 16.)

Collegiate departments to be open to both sexes. (Cal. IX 9; Mont. XI 9.)

Open to students irrespective of race or color. (Wyo. VII 16.)

Buildings

No tax to be levied and no money appropriated out of the general revenue for establishment and erection of buildings of the University of Texas. (Tex. VII 14.)

Bonds

Details of arrangements for separation of liability for university bonds and payment for same after separate organization of states of North and South Dakota. (S.D. XIII 6.)

Colored Branch

Legislature shall when deemed practicable establish and provide for maintenance of a college or branch university; but no tax shall be levied and no money appropriated out of the general revenue for this purpose. (Tex. VII 14.)

Free Instruction

To be free as nearly as possible. (Ariz. XI 6.)

Instruction to be free, and legislature to provide for special tax to provide additional income if that from grants and other sources is not sufficient to furnish instruction as nearly free as possible. (Wyo. VII 16.)

Funds

See also above, this title, FUNDS.

Secretary of state, treasurer and attorney-general constitute board of commissioners for sale of school and university lands, and for investment of funds arising therefrom. Any two a quorum. (Wis. X 7.)

Legislature to provide special tax not to exceed 2 mills on dollar of taxable property in state in addition to other means provided for support and maintenance of university and common schools. (Nev. XI 6.)

No religious sects to control any part of common school or university funds. (Kan. VI 8.)

Proceeds of lands granted by United States for support of a university to be a perpetual fund, interest to be appropriated for support of state university. (Wis. X 6.)

Proceeds of sale or rent of lands granted by United States for state university and all other grants or gifts for this purpose shall remain a perpetual fund, interest of which to go to support of university. (Kan. VI 7.)

Funds of state university and of all other state institutions of learning to be inviolate and invested under regulation of law and guaranteed by state against loss or diversion. (Mont. XI 12.)

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EDUCATION (*Cont'd*)
STATE UNIVERSITY (*Cont'd*)
Funds (*Cont'd*)
Seminary fund for support of university and agricultural and mechanical college declared to be $136,000, proceeds of sale of lands, etc., shall be perpetual loan to the state upon which it shall pay the 4 per cent. annual interest. (La. 250.)
Board of regents shall have exclusive control and direction of all funds of and appropriations to. (Colo. IX 14.)
Legislature to provide not less than $36,000 annually as interest on the funds of, heretofore covered into the treasury for support of university. (Ala. XIV 265.)
May be invested in the bonds of any county, school district, city, town or village of the state when approved by the board of commissioners and provided the indebtedness so incurred does not exceed 15 per cent. of assessed valuation of taxable real property of school district, etc., and provided interest rate is not less than 3 per cent. and loan is made for a term not less than five nor more than 20 years. (Minn. VIII 6.)
Permanent university fund consists of certain lands and proceeds thereof together with all grants, donations and appropriations made by state of Texas or from any other source, to be invested in state of Texas bonds or United States bonds, and legislature to appropriate interest for state university. (Tex. VII 11, 12, 15.)
Proceeds of section 13 in every portion of the state to be apportioned by legislature among educational institutions as follows: University of Oklahoma, one-third. However, said land or proceeds of sale or of indemnity lands granted in lieu of section 13 shall be invested and preserved as a trust never to be diminished but may be added to and income, interest, rentals only to be used exclusively for said educational institutions, which shall remain under the exclusive control of the state. (Okla. XI 5.)
Money or property belonging to state for benefit of university never to be used for other purposes. (Ark. XIV 2.)
Funds accrued from rents or sale of university lands or other sources shall remain a permanent fund for support of university, and legislature shall provide for improvement and permanent security of said funds. (Iowa IX 2, 5.)
Such portion of interest of school fund as may be necessary may be appropriated for support of state university. (Nev. XI 3.)
Lands, *See* PUBLIC LANDS.
Management
Regents to have general supervision of and control and direction of funds and appropriations to under regulations prescribed by law. (Ida. IX 10.)
Regents of and governing boards of other state educational institutions to be appointed by governor. Governor *ex officio* member of board of regents. (Ariz. XI 5.)

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EDUCATION (*Cont'd*)

STATE UNIVERSITY (*Cont'd*)

Management (*Cont'd*)

Six regents to be elected and classified so that two shall be chosen every other year for a term of six years. (Colo. IX 12.)

Board of regents consisting of eight members holding office for eight years, two to be elected at each regular biennial spring election, vacancies filled by appointment by the governor. Title of regents and their successors as a body corporate known as The Regents of the University of Michigan. Regents to elect president who with superintendent of public instruction become members of board of regents, with privilege of speaking but not voting. President of the university to be president of the board and principal executive officer of the university; the board to have general supervision of university and direction and control of university funds. (Mich. XI 3, 4, 5.)

Under control of state board of education consisting of governor, superintendent of public instruction and attorney-general *ex officio* and eight members appointed by governor and confirmed by senate. (Mont. XI 11.)

Corporation of regents of the university continued as created in 1784. Legislature empowered to increase, modify or diminish its corporate powers which shall be exercised by not less than nine regents. (N.Y. IX 2.)

Legislature to provide for, and for election of trustees of University of North Carolina. (N.C. IX 6.)

Governed under direction of legislature by board of six regents, elected by the people for six years to serve without compensation except actual expenses. Duties and powers prescribed by law. (Nebr. VII 10.)

Regents elected at first general election to be classified by lot, to hold office for term of two, four and six years. (Nebr. XVI 22.)

Legislature shall provide for management of by board of regents for, consisting of five members appointed for four years by governor with consent of senate and not more than three of same political party at time of appointment; duties prescribed by law. (N.M. XII 13.)

To be under control of a board of five members, with power of legislature to increase to nine, appointed by governor, confirmed by senate under rules and restrictions as legislature shall provide. (S.D. XIV 3.)

Board of regents of and boards of trustees or managers of state educational institutions may be authorized by legislature to hold office for six years, one-third to be elected or appointed every two years. Vacancies to be filled as provided by law. (Tex. XVI 30a.)

Legislature shall provide for management of by board of trustees of not less than seven members appointed by governor with advice and consent of senate; president of and superin-

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EDUCATION (*Cont'd*)

STATE UNIVERSITY (*Cont'd*)

Management (*Cont'd*)

tendent of public instruction to be members *ex officio* of board without vote; duties and powers of board to be prescribed by law. (Wyo. VII 17.)

To be managed by board of trustees consisting of two members from congressional district in which it is located, one from each of the other congressional districts in the state, and the superintendent of education and the governor as *ex officio* president of the board. Elected members hold office 12 years. Members elected to fill vacancies by other members and confirmed by senate. If senate rejects it then elects. Members serve without pay other than actual expenses. (Ala. XIV 264.)

Government of vested in board of nine curators appointed by governor and confirmed by senate. (Mo. XI 5.)

Legislature to provide for election of a board of regents for, and define their duties. Board of regents from its first funds to organize a mining department, but to set aside in separate fund proceeds of public lands under grant of 1862 for agriculture and mechanic arts, including military tactics, for those departments and state to guarantee and make good any loss in this separate fund. (Nev. XI 7, 8.)

Organization and Maintenance

See also above, this subdivision, FUNDS.

Legislature shall provide for. (Kan. VI 7; N.C. IX 6; Tex. VII 10.)

Legislature shall maintain a university. (Mich. XI 10.)

Legislature may establish. (Nev. XI 4.)

Location of, and of school of mines fixed at Grand Forks, and to have lands granted by act of Congress February 22, 1889, subject to limitations of article on school and public lands. (N.D. XIX 215.)

Legislature shall aid and maintain from public school fund whenever that fund will permit. (Mo. XI 5.)

Legislature may provide for maintenance of University of South Carolina and the Winthrop Normal and Industrial College, a branch of and may create scholarships therein. (S.C. XI 8.)

Trustees of University of Georgia may accept bequests, donations and grants of land or property for university. Legislature shall in addition to payment of annual interest on debt due by state to university, make from time to time donations as condition of treasury may permit. (Ga. VIII Sec VI.)

Location of University of Idaho confirmed and rights, immunities, franchises and endowments heretofore granted also made perpetual. (Ida. IX 10.)

Legislature cannot change location of except by two-thirds vote of legislature with yeas and nays entered on journals. (Ala. XIV 267.)

Louisiana state University and Agricultural and Mechanical College founded on lands granted by the United States is

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EDUCATION (*Cont'd*)

STATE UNIVERSITY (*Cont'd*)

Organization and Maintenance (*Cont'd*)

recognized and all revenues derived from the funds donated by the United States for that purpose shall be appropriated exclusively for their benefit. Legislature shall make additional appropriations as may be necessary for maintenance, support, improvement and equipment. Tulane University also recognized as state institution and to be developed in accordance with legislative act July 5, 1884, which has been made a part of the constitution. (La. 256.)

To be established at one place without branches and university fund to be applied to that institution and no other. University lands and proceeds thereof belong to permanent fund for sole use of, interest to be appropriated annually for support and benefit of. Seat of permanently established at Iowa city. (Iowa IX Pt. I 11, Pt. II 2, XI 8.)

University of California constituted a public trust. Moneys derived from sale of public lands under act of Congress July 2, 1862, and amendatory acts, to be applied to maintenance of at least one college of agriculture, and legislature to see that principal of this fund remain forever undiminished. (Cal. IX 9.)

University at Boulder recognized as state institution; control and management of to be regulated by legislature, location of and grants, gifts and appropriations for confirmed for use and benefit of; regents may establish and maintain all but first two years of departments of medicine, dentistry and pharmacy at Denver. University extension work and farmers' institutes and short courses may be carried on in any part of state. (Colo. VIII 5.)

Location of University of Minnesota confirmed and rights, immunities, franchises, endowments and donations perpetuated. (Minn. VIII 4.)

University of New Mexico confirmed as a state educational institution. (N.M. XII 11.)

Provision shall be made by law for, located at or near seat of government and for connecting with it colleges in different parts of state as interests of education may require. (Wis. X 6.)

Location and establishment of confirmed and all rights, franchises and endowments heretofore granted are perpetuated. (Utah X 4.)

Establishment of confirmed. Lands granted by Congress for and all other grants, donations or devises for to vest in and be exclusively used for, and may be leased by land commissioners but not sold except on terms approved by Congress. (Wyo. VII 15.)

Regents shall elect president of, to hold office until removed by board of regents for cause, and to be *ex officio* member of board without vote except in case of tie; to preside at meetings of board and be chief executive officer of university and member of faculty. (Colo. IX 13.)

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EDUCATION (*Cont'd*)

STATE UNIVERSITY (*Cont'd*)

Right of Eminent Domain

Regents of the university have power to take private property for the use of the university as prescribed by law. (Mich. XIII 4.)

SUPERINTENDENT

Also called superintendent of public instruction, commissioner of education, state school commissioner, superintendent of public schools, state superintendent of education, superintendent of education, state superintendent of free schools.

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title PUBLIC OFFICERS.

Accounts

Account for all moneys received by him and make report thereof to governor under oath annually and at other times as governor may require. (N.M. V 9.)

Account to be kept of all moneys received and disbursed and semi-annual report thereof under oath to governor. Officer making false report guilty of perjury. (Ill. V 20; Mo. V 22; Nebr. V 21; W.Va. VII 17.)

Account to be kept of all moneys received and disbursed and semi-annual report thereof under oath to governor. (Ida. IV 17.)

Appointment

By governor with advice and consent of two-thirds of all members of senate. (Pa. IV 8.)

By governor. (Ohio VI 4.)

Legislature may substitute other officer or officers as may be necessary to perfect school system. (Ga. VIII Sec. II.)

Secretary of state to discharge duties of, until otherwise provided by law. (Ark. VI 21.)

Bond

Of not less than double amount of money that may come into hands, and not less than $50,000; sureties, and approval "thereof", and increase of penalties, as may be prescribed by law. (Nebr. V 25.)

Compensation

Salary

As to whether salary fixed may be changed by law, See below, this subdivision, COMPENSATION — INCREASE OR DECREASE.

Fixed by law. (Ala. V 118, XIV 262; Colo. IV 19; Ill. V 23; Ind. VIII 8; Kan. I 15; Ky. 96; Mich. XI 2; Miss. VIII 202; Mo. V 24; N.C. III 15; Okla. VI 34; Ore. VIII 1; S.C. IV 24, XI 1; Va. IX 131; W.Va. VII 19; Wis. X 1.)

Same; not to exceed $2,000. (Ga. VIII Sec. II.)

Fixed at $1,500. (Fla. IV 29; Ida. IV 19; Utah VII 20.)

Fixed at $1,800. (S.D. XXI 2.)

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EDUCATION (*Cont'd*)
SUPERINTENDENT (*Cont'd*)
Compensation (*Cont'd*)
Salary (*Cont'd*)
Fixed at $2,000. (Nebr. V 24; Nev. XVII 5; N.D. III 84; Wyo. IV 13.)
Fixed at $2,500. (Ariz. V 13; Mont. VII 4; Okla. Sched. 15; Wash. III 22.)
Fixed at $3,000. (N.M. V 12.)
Fixed at $5,000. (La. 249.)
Same as secretary of state. (Cal. IX 2.)
Increase or Decrease
Allowed. (Ariz. V 13; Ida. IV 19; Mont. VII 4; N.D. III 84; Okla. Sched. 15; Utah VII 20; Wyo. IV 13.)
Allowed after eight years from date of adoption of constitution. (Fla. IV 29.)
Allowed after 10 years from date of admission as state. (N.M. V 12.)
Increase prohibited. (S.D. XXI 2.)
Prohibited during official term. (Colo. IV 19; Ill. V 23; Mo. V 24; Mont. VII 4; W.Va. VII 19.)
Prohibited during term for which elected. (Ala. V 118; Kan. I 15; N.C. III 15; N.D. III 84; Okla. 634; S.C. IV 24; Wyo. IV 13.)
Prohibited to extent that it affects salary during term. (Ida. IV 19, V 27.)
Increase allowed but not to exceed $4,000. (Wash. III 22.)
Prohibited to extent that it affects salary during term, unless vacancy occurs, in which case successor to receive only salary provided by law at time of election or appointment. (Utah VII 20.)
Compensation Other Than Salary
Emolument or allowance other than salary, prohibited. (N.C. III 15.)
Salary to be in full payment for all services rendered. (N.M. V 12.)
Salary to be in full for all services rendered in official capacity or employment during term of office. (Ida. IV 19; Mont. VII 4; Utah VII 20.)
Compensation limited to salary. (Ill. V 23; Ky. 96; Mo. V 24; Nebr. V 24; N.M. V 12; Okla. VI 34; W.Va. VII 19.)
Not to receive additional compensation beyond salary for services rendered state in connection with internal improvement fund or other interests belonging to state. (Fla. IV 29.)
Fees for performance of duties not to be received. (Ida. IV 19; Mont. VII 4; N.M. V 12; Utah VII 20.)
Fees or perquisites for performance of duties not to be received. (Ill. V 23; Mo. V 24; Nebr. V 24; Okla. VI 34; S.D. XXI 2; W.Va. VII 19.)

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EDUCATION (*Cont'd*)
SUPERINTENDENT (*Cont'd*)
Compensation (*Cont'd*)
Compensation Other Than Salary (*Cont'd*)
Fees or perquisites for performance of duty connected with office or for performance of additional duty imposed by law not to be received (Nev. XVII 5.)
Costs not to be received. (Ill. V 23; Mo. V 24; Nebr. V 24; Okla. VI 34; W.Va. VII 19.)
Interest on public moneys in hands or under control, not to be received to own use. (Nebr. V 24.)
Fees and profits to be covered into treasury. (N.D. III 84; Wyo. IV 13.)
Fees payable by law to be paid in advance into treasury. (Colo. IV 19; Ill. V 23; Mo. V 24; Nebr. V 24; W.Va. VII 19.)
Fees payable by law to be collected in advance and deposited with treasurer quarterly to credit of state. (Ida. IV 19; Mont. VII 4; Utah VII 20.)
Fees collected to be covered into treasury. (Ky. 93.)
Expenses
Legislature may provide for actual and necessary expenses while traveling in state in performance of official duty. (Ida. IV 19; Utah VII 20.)
Shall be reimbursed not to exceed $500 in any one year for expenses incurred in performance of duties required by legislature. (W.Va. XII 2.)
Legislature may provide for payment of actual or necessary expenses incurred while in performance of official duty. (Ida. V 27.)
Payment
Quarterly. (Ida. IV 19; Mont. VII 4; Nev. XVII 5; N.M. V 1; Utah VII 20.)
Deputy
Women eligible. (Nev. XV 3.)
Dual Office Holding, *See below, this subdivision*, QUALIFICATIONS AND DISQUALIFICATIONS.
Division Superintendents
Two selected by state board, one from a county and one from a city to hold office for two years with powers and duties identical with those of other members of state board but not to participate in appointment of public school officials. (Va. IX 130.)
State board of education may divide state into appropriate school divisions comprising not less than one county or city each but not dividing a county or city, and subject to confirmation of senate appoint one superintendent for each division for term of four years, prescribe duties and remove for cause. (Va. IX 132.)

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EDUCATION (*Cont'd*)

SUPERINTENDENT (*Cont'd*)

Election

Under this subhead are digested those provisions which specifically refer to this officer; for provisions relating to elections in general, See the title ELECTIONS; *for provisions allowing the legislature to establish offices and provide for their election or appointment, See the title* PUBLIC OFFICERS. *See also above, this title,* "SCHOOL ELECTIONS" *and* "SCHOOL OFFICERS — ELECTION OR APPOINTMENT".

Election to Fill Vacancy, See below, this subdivision, VACANCY IN OFFICE.

Contested Elections

Determined as prescribed by law. (Ida. IV 2; Mo. V 25; Mont. VII 2.)

Determined by legislature in manner prescribed by law. (Ala. V 115; Wash. III 4.)

Determined by both houses of legislature by joint ballot in manner prescribed by law. (Colo. IV 3; Ill. V 4; Nebr. V 4; N.C. III 3.)

Electors

Qualified electors of state. (Ala. V 114; Ariz. V 1; Cal. IX 2; Colo. IV 3; Fla. IV 20; Ga. VIII Sec. II; Ida. IV 2; Ill. V 1; Ind. VIII 8; Kan. I 1; Ky. 91; La. 249; Mo V 2; Mont. VII 2; Nev. XI 1; N.C. III 1; N.D. III 82; Okla. VI 4; S.C. IV 24; S.D. IV 12; Utah VII 2; Va. IX 131; Wash. III 1; W.Va. VII 1; Wis. X 1; Wyo. IV 11.)

Provision for

Governor shall be superintendent but after five years from date of adoption of constitution legislature may provide for election of superintendent. (Ore. VIII 1.)

Returns and Canvass

Returns made in manner prescribed by law. (Ida. IV 2; Mont. VII 2.)

Until otherwise provided by law, abstract of returns to be sealed and transmitted to secretary of state who, with lieutenant-governor and attorney-general, constitutes a board of canvassers; to meet at state capitol on second Tuesday of December after election to proclaim result. (Kan. I 2.)

Sealed and transmitted to speaker who opens and publishes in presence of majority of members of both houses. (N.C. III 3.)

Sealed and transmitted to secretary of state who delivers to speaker at first meeting of house, who opens and publishes in presence of majority of members of both houses. (Wash. III 4.)

Sealed and transmitted to speaker of house, who, during first week of session, opens and publishes in presence of

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EDUCATION (*Cont'd*)
SUPERINTENDENT (*Cont'd*)
Election (*Cont'd*)
Returns and Canvass (*Cont'd*)
both houses in joint convention, but speaker's duty and duty of joint convention to be purely ministerial. (Ala. V 115.)
Sealed and transmitted to speaker who, immediately after organization of house and before proceeding to other business, opens and publishes in presence of majority of each house. (Ill. V 4; Mo. V 3; Nebr. V 4, W.Va. VII 3.)
Sealed and transmitted to speaker, who immediately on organization of house and before proceeding to other business opens and publishes in presence of majority of members of both houses. (Colo. IV 3.)
Tie Vote
Legislature at next regular session to elect forthwith by joint vote one of persons in tie. (Ariz. V 1; Ida. IV 2; Mont. VII 2; Utah VII 2.)
Legislature by joint vote to elect one of persons in tie. (Colo. IV 3; Ill. V 4; Kan. I 2; Mo. V 3; Nebr. V 4; N.C. III 3; Wash. III 4; W.Va. VII 3.)
Legislature by joint vote without delay to elect one of persons in tie. (Ala. V 115.)
Time and Places
As prescribed by law. (W.Va. VII 2.)
At same time as governor. (Cal. IX 2; Fla. IV 20; Ga. VIII Sec. II; Ky. 91, 95; Miss. VIII 202; Va. IX 131.)
Same as for members of legislature. (Ala. V 114; Ida. IV 2; Kan. I 1; Mont. VII 2; N.C. III 1; N.D. III 82; S.D. IV 12; Utah VII 2; Wash. III 1; Wyo. IV 11.)
At same time as members of supreme court. (Wis. X 1.)
At general election. (Colo. IV 3; Ill. V 3; Nebr. V 1; S.C. XI 1.)
Expenses, *See above, this subdivision,* COMPENSATION.
Fees, *See above, this subdivision,* COMPENSATION.
Impeachment
See also IMPEACHMENT.
For high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office. (Mo. VII 1.
For "high crimes and misdemeanors, for non-feasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness". (La. 217.)
For wilful neglect of duty, habitual drunkenness, incompetency or any offense involving moral turpitude committed while in office. (Okla. VIII 1.)
For wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics, or offense involving moral turpitude in office. (Ala. VII 173.)

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EDUCATION (*Cont'd*)

SUPERINTENDENT (*Cont'd*)

Other Offices

Officer or member of executive department. (Ala. V 112; Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Kan. I 1; Mo. V 1; Mont. VII 1; Nebr. V 1; N.C. III 1; N.M. V 1; Ohio VI 4; Okla. VI 1; Pa. IV 1; Utah VII 1; Wash. III 1; W.Va. VII 1.)

Member *ex-officio* state board of education. (Ida. IX 2.)

President *ex-officio* of state board of education. (Va. IX 131.)

Member and president of board of education. (Okla. XIII 5.)

Member and secretary of state board of education, *ex-officio* member of all boards having control of public instruction in any state institution with right to speak but not to vote. (Mich. XI 2.)

Secretary of state board of education, and *ex-officio* member of any board having control of public instruction in any state institution. (Ariz. XI 4.)

Member of council of state to advise governor in execution of his office. (N.C. III 14.)

Member state board of land commissioners. (Ida. IX 7; Okla. VI 32.)

Powers and Duties

Succession to governorship, *See* GOVERNOR.

As prescribed by law. (Ala. V 137, XIV 262; Fla. IV 25; Ill. V 1; Ind. VIII 8; Kan. VI 1; Ky. 91, 93; La. 249; Mich. XI 2; Miss. VIII 202; Mo. V 1; Nev. V 22; Ohio VI 4; Ore. VIII 1; N.C. III 13; N.D. III 83; Pa. IV 20; S.C. IV 24, XI 1; S.D. IV 13; Utah VII 19; Wash. III 22; W.Va. VII 1; Wis. X 1; Wyo. IV 12.)

As prescribed by constitution or by law. (Ariz. V 1, 9; Ida. IV 1; Mont. VII 1; Okla. VI 1; Utah VII 1.)

As prescribed by state board of education. (Va. IX 131.)

General supervision of public instruction vested in superintendent. (Fla. IV 25; Mich. XI 2; Wis. X 1.)

Qualifications and Disqualifications

In General

As fixed by law. (Wis. X 1.)

Age

Twenty-five years. (Ariz. V 2; Ida. IV 3; Miss. VIII 202, V 133; Mo. V 19; N.D. III 82; Wyo. IV 11.)

Twenty-five years at time of election. (Ala. V 132.)

Thirty years. (Colo. IV 4; N.M. V 3; Okla. VI 3.)

Thirty years at time of election. (Ky. 91; Mont. VII 3.)

Citizenship

In United States. (Colo. IV 4; Ida. IV 3; Mo. V 19; Mont. VII 3; N.M. V 3; N.D. III 82; Okla. VI 3; Wyo. IV 11.)

In United States for seven years (preceding election?). (Ala. V 132.)

In United States for 10 years preceding election. (Ariz. V 2.)

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EDUCATION (*Cont'd*)
SUPERINTENDENT (*Cont'd*)
Qualifications and Disqualifications (*Cont'd*)
Citizenship (*Cont'd*)
In state for two years preceding election. (Ida. IV 3; Ky. 91.)
In state for five years preceding election. (Ala. V 132; Ariz. V 2; Miss. VIII 202, V 133; N.M. V 12; Utah VII 3.)
Dual Office Holding
Ineligible to other office during term of service. (W.Va. VII 4.)
Ineligible to other office during term of office, except member of state board of education. (Mont. VII 4.)
Ineligible to other office during period for which elected. (Ill. V 5.)
Ineligible to other state office during period for which elected. (Nebr. V 2.)
Electoral
Qualified elector at time of election. (Utah VII 3.)
Must have been qualified elector of state for three years preceding election. (Okla. VI 3.)
Must have qualifications of state electors. (N.D. III 82; (Wyo. IV 11.)
Prior Service in Office as Disqualification
Ineligible as own successor. (Ala. V 116.)
Ineligible to re-election for four years after term for which elected. (Ky. 93.)
Ineligible to state office for two years after expiration of two consecutive terms. (N.M. V 1 [1914].)
Professional
Must be trained and experienced educator. (N.M. V 3; Va. IX 131.)
Residence
Residence during term, *See below, this subdivision*, RESIDENCE.
In state for two years preceding election. (Colo. IV 4; Ida. IV 3; Ky. 91; Mont. VII 3.)
In state for five years preceding election. (Ala. V 132; Mo. V 19; Utah VII 3.)
In state continuously for five years preceding election. (N.M. V 3.)
Sex
See also above, this subdivision, QUALIFICATIONS AND DISQUALIFICATIONS — ELECTORAL.
Females over 21 years of age and residents of state, county and district six months next preceding election or appointment are eligible. (Nev. XV 3.)
Women eligible. (Nev. XV 3.)
Must be male. (Ariz. V 2; Mo. V 19; Okla. VI 3.)

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EDUCATION (*Cont'd*)

SUPERINTENDENT (*Cont'd*)

Reports

Reports 30 days before regular session of legislature, to governor who shall transmit same to legislature. (N.M. V 9.)

Reports 20 days before regular session of legislature to governor who shall transmit same to legislature. (Ida. IV 17.)

Reports 10 days before regular session of legislature to governor who transmits same to legislature. (Ill. V 21; Kan. I 16; Nebr. V 22; W.Va. VII 18.)

Reports five days before regular session of legislature to governor who transmits same to legislature. (N.C. III 7.)

Governor or either house of legislature may require information from, in writing, under oath at any time. (Nebr. V 22.)

Governor may require information from, in writing, under oath, at any time. (Ala. V 121; Ida. IV 8; Ill. V 21; Mo. V 22; W.Va. VII 18.)

Governor may require information from, in writing, at any time. (N.C. III 7; Okla. VI 33 (also of all officers of state educational institutions).

Residence

As qualifications for office, See above, this subdivision, QUALIFICATIONS AND DISQUALIFICATIONS.

At seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Mo. V 1; Mont. VII 1; N.M. V 1; Utah VII 1; W.Va. VII 1.)

At seat of government, except during epidemics. (Ala. V 118.)

Office to be kept at seat of government. (Ariz. V 1; Ga. VIII Sec. II; Kan. Sched. 6; N.D. III 82; Okla. VI 4; S.D. IV 12; Wash. III 24 (but need not reside there); Wyo. IV 11.)

Office to be kept at seat of government, but in case of invasion or violent epidemics governor may direct office to be removed temporarily to other place. (Fla. XVI 10.)

Public records to be kept at seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Mo. V 1; Mont. VII 1; N.M. V 1; Okla. VI 4; Utah VII 1; Wash. III 24; W.Va. VII 1.)

Seal of office to be kept at seat of government. (N.M. V 1.)

Term of Office

Length

Two years. (Ariz. V 1; Colo. IV 1; Ga. VIII Sec. II; Ida. IV 1; Ind. VIII 8; Kan. I 1; Nebr. V 1; Nev. XI 1; N.M. V 1 (1914); N.D. III 82; S.C. IV 24, XI 1; S.D. IV 12.)

Four years. (Ala. V 116; Fla. IV 20 (same as for governor); Ill. V 1; Ky. 91; La. 249; Miss. VIII 202 (same as for secretary of state); Mo. V 2; Mont. VII 1; N. C. III 1; Ohio VI 4; Okla. VI 4; Pa. IV 8; Utah VII 1; Va. IX 131 (same as for governor); Wash. III 3; W.Va. VII 1; Wis. X 1; Wyo. IV 11.)

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EDUCATION (*Cont'd*)
SUPERINTENDENT (*Cont'd*)
Term of Office (*Cont'd*)
Length (*Cont'd*)
To serve until successor qualified (regardless of length of term specified). (Ala. V 116; Ga. VIII Sec. II; Ill. V 1; Kan. I 1; Ky. 91; La. 249; Mo. V 2; Mont. VII 1; Nebr. V 1; Nev. XI 1; N.D. III 82; S.C. IV 24; Wash. III 3; Wyo. IV 11.)
Time of Beginning
To be installed on same day as governor. (Fla. IV 28; Va. IX 131.)
January 1st after election. (N.M. V 1; N.C. III 1.)
First Monday in January after election. (Ariz. V 1; Ida. IV 1; Ky. 91; Mont. VII 1; Utah VII 1.)
First Thursday [after] first Tuesday in January after election. (Nebr. V 1.)
Second Monday in January after election. (Ill. V 1; Kan. I 1; Mo. V 2; Okla. VI 4.)
Second Monday in January after election until otherwise provided by law. (Wash. III 4.)
Second Tuesday in January after election. (Colo. IV 1.)
First Monday after second Tuesday in January after election. (Ala. V 116.)
March 4th after election. (W.Va. VII 1.)
First Monday after first day of June next succeeding election. (Cal. IX 2.)
Vacancy in Office
Filled by governor until successor elected and qualified. (Ill. V 20; Kan. I 14; Mont. VII 7.)
Filled by governor until successor elected and qualified as provided by law. (Colo. IV 6; Ida. IV 6; Nebr. V 20; Utah VII 10; W.Va. VII 17.)
Filled by governor until disability removed or a successor elected and qualified; unsoundness of mind ascertained by supreme court on suggestion of governor. (Ala. V 136.)
Filled by governor till disability removed or successor qualified; election at first general election more than 30 days after vacancy occurs, to fill for remainder of unexpired term. (N.C. III 13.)
If during recess of senate, filled by governor; if vacancy during the session of senate, governor to make nomination before final adjournment. (Pa. IV 8.)
Filled for unexpired term by state board of education. (Va. IX 131.)
Caused by impeachment, displacement, resignation, death or incapacity, for other reason to perform duties, filled by governor until disability removed and successor elected and qualified. Vacancy to be filled by election at first general election more than 30 days after happening and person elected to hold office for unexpired term. (Kan. I 14.)

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EDUCATION (*Cont'd*)

SUPERINTENDENT (COUNTY)

Appointment

One in each county appointed by board of education with concurrence of senate for four years. Legislature may make this office elective or otherwise provide for discharge of its duties or abolish it. (Miss. VIII 204.)

Compensation

Fixed by law. (Colo. IX 6, XIV 8; Fla. VIII 6; Ida. XVIII 6; Ill. VIII 5; Kan. VI 1; Miss. VIII 204; Nev. IV 32; N.D. VIII 150; W.Va. XII 3.)

Fixed by law with following limits: shall not be paid more than $500 per annum. (Wyo. XIV 3.)

Compensation of to be paid from school fund of respective counties. (Fla. XII 13.)

To be paid such salary or compensation either from fees, perquisites and emoluments of his office, or from general county fund, as provided by law. This section to govern, unless otherwise expressly provided by constitution. (Colo. XIV 8.)

County charter shall fix or provide for fixing of by boards of supervisors. (Cal. XI 7½.)

Election

Legislature may abolish or provide for election of county superintendent of schools by people. (Nev. IV 32.)

There may be a county superintendent in each county; time and manner of election to be prescribed by law. (Ill. VIII 5.)

To be selected in each county; to be *ex-officio* commissioner of lands for county and discharge duties as such under direction of state land commissioners as directed by law. (Colo. IX 6.)

To be elected in each county. (Ariz. XII 3; Kan. VI 1; N.D. VIII 150; S.D. IX 5.)

Legislature shall provide for election of in each county. (Fla. VIII 6; Ida. XVIII 6; Nev. IV 32.)

To be elected at same time as members of legislature. (Colo. XIV 8.)

County charter shall provide for election or appointment of. (Cal. XI 7½.)

Elected for each county at each gubernatorial election. Legislature may authorize two or more counties to unite and elect one superintendent. (Cal. IX 3.)

Impeachment

Causes enumerated. (Ala. VII 175, 176.)

In General

Legislature to have power to "increase, diminish, consolidate or abolish the following county officers" (including county superintendent of schools). (Nev. IV 32.)

Office created subject to change by the legislature for each organized county. (Ariz. XII 3; Okla. XVII 2.)

Legislature may provide for county superintendent of schools. (W.Va. XII 3.)

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EDUCATION (*Cont'd*)

SUPERINTENDENT (COUNTY) (*Cont'd*)

Powers and Duties

Determined by law. (Ariz. XII 4; Colo. IX 6; Fla. VIII 6; Ill. VIII 5; Kan. VI 1; Miss. VIII 204; Nev. IV 32; N.D. VIII 150; W.Va. XII 3.)

Qualifications

Women eligible. (Mont. IX 10; N.M. VII 2; Okla. Sched. 6.)

Fixed by law. (Ariz. XII 4; Colo. IX 6; Ida. XVIII 6; Ill. VIII 5; Miss. VIII 204; N.D. VIII 150.)

Must be elector in county but legislature may prescribe additional qualifications and this section shall not prevent women being eligible as provided in article VII, section 9. (S.D. IX 7.)

Women with qualifications of male electors eligible for. (N.M. VII 2.)

Must be qualified elector and resident of county one year preceding election. (Colo. XIV 10.)

Removal

May be removed by a circuit or other court of like jurisdiction or criminal court of county in which such officer holds office as prescribed by law, provided that right to jury trial and appeal be secured. Grounds for removal: "wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office or committed under color thereof or connected therewith". Penalty not to extend beyond removal and disqualification from holding office under authority of state for the term for which such officer was elected or appointed, but accused to be liable to indictment or punishment as prescribed by law. (Ala. VII 173, 175, 176.)

Rotation in Office

Not to be eligible for more than four years in succession. (S.D. IX 5.)

Seal

Each county superintendent shall procure a seal under direction of county judge inscribing thereon style of office and name of county which shall be sufficient and used for all lawful purposes until otherwise provided by law. (Okla. Sched. 22.)

Term

Two years. (Ariz. XII 3; Colo. IX 6; Ida. XVIII 6; Kan. VI 1; N.D. VIII 150; S.D. IX 5.)

Two years and until successor qualifies. (Mont. XVI 5.)

Four years. (Fla. VIII 6.)

Fixed by law. (Ill. VIII 5.)

Fixed by county charter. (Cal. XI 7½.)

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EDUCATION (*Cont'd*)

SUPERINTENDENT (COUNTY) (*Cont'd*)

Vacancy in Office of

To be filled by appointment of commissioners until next general election or vacancy is filled by election according to law. (Colo. XIV 9.)

TEACHERS

Examination and Certification

State board of education to provide for examination and certification of and award scholarships. (S.C. XI 2.)

County boards and county superintendents shall examine and grant certificates in their respective jurisdictions. (Cal. IX 7.)

Oath of Office

All teachers and professors to subscribe to oath required in article XV of constitution and those who fail to comply with any provision of educational section of constitution not to receive any portion of public moneys for school purposes. (Nev. XI 5.)

Training

Legislature to provide for training of teachers in normal schools or otherwise, so that they may become proficient in both English and Spanish languages to qualify them to teach Spanish-speaking pupils and students. No amendment to constitution to affect this provision, unless proposed by vote of three-fourths of members elected to each house and ratified by vote of people in state in election at which at least three-fourths of electors voting in whole state and at least two-thirds of those voting in each county in state, shall vote for amendment. (N.M. XII 8, XIX 1.)

ELECTIONS

Of a particular officer or class of officers, See the specific title.

ABSENT ELECTORS

Absence before election, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — RESIDENCE.

During war, *See below, this title,* DURING WAR.

Commercial travelers and students absent from township, ward or state not to be deprived of vote; legislature to provide manner, time and place of voting and canvass and return of votes. (Mich. III 1 (Amend. 1914).)

Members of legislature attending sessions not to be deprived of vote on account of absence from township or ward of residence; legislature to provide time, manner and place of voting and canvass and return of votes. (Mich. III 1 (Amend. 1914).)

In military service of United States, legislature to prescribe manner of voting and canvass of votes. (Conn. Amend. XIII.)

In volunteer military service of United States or militia service of state, absent from township or ward, legislature to prescribe manner of voting. (Kan. V 3.)

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ELECTIONS (*Cont'd*)

ABSENT ELECTORS (*Cont'd*)

In military service of United States or state and not in regular army allowed to vote for county officers; detailed provision as to manner. (Me. II 4, IX 12.)

In actual military service of United States or state and not in regular army allowed to vote at place and under regulations provided by law. (Nebr. VII 3.)

Soldiers and sailors, legislature to prescribe manner of voting and making returns. (Nev. II 3.)

In actual military service of United States or state, legislature to prescribe manner of voting. (Pa. VIII 6.)

ADVISORY VOTES

See also below, this title, PRIMARIES.

For United States senator, legislature to provide for placing names of candidates on official ballot at general election preceding. (Ariz. VII 9.)

AID IN VOTING, *See below, this title,* BALLOTS.

ARREST, PRIVILEGE FROM, *See below, this title,* PRIVILEGES OF ELECTORS.

BALLOT BOXES

After election and canvass, to be delivered by superior court to sheriff and kept by sheriff; opening by court in case of mistake or fraud in certificates. (Del. V 6.)

During election to be kept in public view; opening not to be in secret. (Va. II 27.)

BALLOTS

Primary Ballots, *See below, this title,* PRIMARIES.

Requirement

Elections to be by ballot. (Ala. VIII 179; Colo. VII 8; Del. V 1; Fla. VI 6; Ga. II 1; Ida. VI 1; Ill. VII 2; Ind. II 13; Iowa II 6: Kan. IV 1; La. 203; Me. II 1; Md. I 1; Miss. XII 240; Mo. VIII 3; Mont. IX 1; Nebr. VII 6; Nev. II 5; N.M. VII 5; N.C. VI 6; N.D. V 129; Ohio V 2; Okla. III 6; S.C. II 1; S.D. VII 3; Tenn. IV 4; Tex. VI 4; Utah IV 8; Va. II 27; Wash. VI 6; W.Va. IV 2; Wyo. VI Suffrage 11.)

Elections to be by ballot except for township officers authorized to be otherwise chosen. (Mich. III 7.)

Elections to be by ballot except for township officers, directed by law to be otherwise chosen. (Minn. VII 6.)

Elections to be by ballot except for township officers, directed or allowed to be otherwise chosen. (Wis. III 3.)

Elections to be by ballot; not to apply to school elections. (Ky. 147, 155.)

Elections of state officers and members of legislature to be by ballot, written or printed. (Conn. VI 7; Amends. VI, XXXIII.)

Elections to be by ballot or other method prescribed by law; provided secrecy in voting is preserved. (Ariz. VII 1; Cal. II 5; Pa. VIII 4.)

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ELECTIONS (*Cont'd*)

BALLOTS (*Cont'd*)

Requirement (*Cont'd*)

Elections may be by ballot or other method prescribed by law; provided secrecy in voting is preserved; not to apply to town officers directed by law to be otherwise chosen. (N.Y. II 5.)

Elections to be by official ballot, printed and distributed at state expense, except primary elections, municipal elections in towns of less than 2,500 not held at same time as general election, and elections to impose special taxes. (La. 212.)

Form

Elections of state officers and members of legislature to be by ballot, written or printed. (Conn. VI 7; Amends. VI, XXXIII.)

Elections to be by official ballot, printed and distributed at state's expense, except primary elections, municipal elections in towns of less than 2,500 not held at same time as general election, and elections to impose special taxes. (La. 212.)

Elections to be by written ballot. (Me. II 1.)

Kind to be used, legislature to provide. (Okla. III 6.)

Form same wherever election held. (Va. II 28.)

Open, sealed or secret ballot, voter may choose. (W.Va. IV 2.)

Contents

Fee not to be required for printing name of candidate on official ballot. (Ariz. VII 14.)

Names of independent candidates with devices may be printed; detailed provisions as to party devices and as to marking for straight and split tickets. (La. 212.)

Names of candidates and offices in clear print and orderly succession; no distinguishing mark or symbol. (Va. II 28.)

Names of all candidates to be printed on same ballot at public expense. (Wyo. VI Suffrage 11.)

Numbered

To be numbered in order received from voters and number recorded opposite name of voter on election list. (Ark. III 3.)

To be numbered in order received from voters and number recorded opposite name of voter on election list; provided paper ballots used. Election officers to record. (Colo. VII 8.)

To be numbered in order received from voters and number recorded opposite name of voter on election list. Duty of election officers to record. (Mo. VIII 3.)

Numbering, legislature may provide for. (S.D. VII 3.)

Numbering of tickets, legislature may provide for. (Tex. VI 4.)

Furnishing to Voters

Furnished by public authority to voters at polls; not to apply to school district elections. (Ky. 147, 155.)

Printed and distributed at state expense, except primary elections, municipal elections in towns less than 2,500 not held at same time as general election, and elections to impose special taxes. (La. 212.)

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ELECTIONS (*Cont'd*)
BALLOTS (*Cont'd*)
Furnishing to Voters (*Cont'd*)
Delivery to voters within polling places by sworn public officials. (Wyo. VI Suffrage 11.)
Secrecy
See also below, this title, MANNER OF VOTING.
Elections may be by ballot provided secrecy in voting be preserved. (Ariz. VII 1; Cal. II 5; Pa. VIII 4.)
Legislature may prescribe means, methods and instruments of voting to secure secrecy of voting. (Del. V 1.)
Secret ballot guaranteed; legislature to enact necessary laws. (Ida. VI 1.)
Elections to be by secret official ballot marked by each voter in private at polls and then and there deposited; not to apply to school district elections. (Ky. 147, 155.)
Secrecy in preparing, legislature to provide for. (La. 212.)
Legislature to enact laws to secure secrecy of voting. (N.M. VII 1.)
Elections may be by ballot or other method prescribed by law; provided secrecy in voting is preserved. (N.Y. II 5.)
Elections to be by secret ballot subject to regulations provided by law. (N.D. V 129.)
Elections to be by secret ballot. (Utah IV 8.)
Secrecy of ballot to be maintained so far as consistent with constitution. (Va. II 27.)
Secrecy in preparing and depositing, legislature to provide for. (Wash. VI 6.)
Open, sealed or secret ballot, voter may choose. (W.Va. IV 2.)
Secrecy of ballot to be made compulsory; privacy in preparation guaranteed. (Wyo. VI Suffrage 11.)
Preparation at Polls
Preparation and deposit without aid unless physically unable or registered before January 1, 1904. (Va. II 21.)
To be marked in private at polls and then and there deposited; legislature to provide that illiterate, blind and disabled electors may have ballots marked for them; not to apply to school elections. (Ky. 147, 155.)
Alteration
Writing of new names by voter allowed. (La. 212; Wyo. VI Suffrage 11.)
Writing of new names and erasure of printed names by voter allowed. (Va. II 28.)
Counting, *See below, this title,* CANVASS OF VOTES.
Purity, *See below, this title,* PURITY.
Voting Machines, *See below, this title,* VOTING MACHINES.
BETS
See also below, this title, OFFENSES.
Challenges for, *See below, this title,* CHALLENGES.

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ELECTIONS (*Cont'd*)

BETS (*Cont'd*)

Disfranchisement for, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Persons in or out of state making or becoming directly or indirectly parties to bet on result of a general, special, municipal or primary election, convention or meeting or a vote thereat by any person to be guilty of misdemeanor; penalty and prosecution. (Del. V 7, 8.)

BLIND VOTERS, *See above, this title,* BALLOTS — PREPARATION AT POLLS.

BOARDS, *See below, this title,* ELECTION OFFICERS.

BONDING ELECTIONS

Of state, cities, counties, municipalities, towns, townships or districts, See the subheading DEBT *under the specific title.*

BRIBERY

See also below, this title, FREEDOM OF.

See also below, this title, OFFENSES.

As disqualification to hold office, *See* PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS.

As disqualification to serve on jury, *See* JURIES.

As disqualification to vote, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Challenges for, *See below, this title,* CHALLENGES.

Of election officers, *See below, this title,* ELECTION OFFICERS.

Laws to prohibit. (Cal. XX 11; Conn. VI 6.)

Laws to prohibit under adequate penalties. (Ala. I 33; Fla. III 26; Ky. 150; Nev. IV 27; Ore. II 8; S.C. I 9; Tex. XVI 2.)

Person convicted to be adjudged guilty of felony. (Ark. III 6.)

Defined; person in or out of state offering, receiving, etc., to be guilty of misdemeanor; fine and imprisonment; prosecution (detailed provisions). (Del. V 7, 8.)

Legislature to provide for removal of person bribing to secure his own nomination or election (except in elections for school trustees and other common school district elections); held responsible for acts of agents. (Ky. 151, 155.)

Any person who gives, or offers to give, any bribe, present or reward or any promise or security for payment or delivery of money or other thing, to induce voter to refrain from voting or to prevent him from voting or to procure a vote for candidate or person voted for as presidential elector or representative in Congress or office of trust or profit created by constitution or laws of state or ordinances or authority of mayor and city council of Baltimore, and person receiving the same shall, on conviction, be punished as provided by law; legislature may remove penalty on vote seller so as to place penalties for purchase of votes on vote buyer alone. (Md. I 3.)

Elector who receives for his vote any gift or reward, and any person who gives, promises or bestows any such reward to be elected, to be punished as provided by law. (Tenn. X 3; Vt. II 51.)

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ELECTIONS (*Cont'd*)

BRIBERY (*Cont'd*)

Person paying poll tax of another or advancing him money therefor to influence vote to be guilty of bribery; on conviction imprisoned not less than one nor more than five years. (Ala. VIII 195.)

If corporation offers, promises or gives, or authorizes any person to offer, promise or give any money or thing of value to influence result of election in state or vote of any voter authorized to vote therein (except in case of election of school trustees and other common school district elections) or afterward reimburses or compensates any such person, corporation, if organized under the laws of the state, shall, on conviction, forfeit its charter and all rights, privileges and immunities thereunder, and if chartered by another state and doing business in state by license or upon sufferance shall, on conviction, forfeit right to carry on business in state. (Ky. 150, 155.)

Any person or corporation offering money or other thing of value for purpose of influencing any voter for or against any competing town in election to determine county seat, to be deemed guilty of. (Okla. XVII 7.)

CAMPAIGNS

Contributions and expenditures of committees and candidates, legislature to provide for publicity before and after election. (Ariz. VII 16.)

Contributions of money or anything of value to influence election, by corporation organized or doing business in state prohibited. (Ariz. XIV 18.)

CANDIDATES

Bribery, *See above, this title,* BRIBERY.

Expenses, *See above, this title,* CAMPAIGNS.

Fraud, *See below, this title,* FRAUD.

Names on ballots, *See above, this title,* BALLOTS — CONTENTS.

Nominations, *See below, this title,* NOMINATIONS.

CANVASS OF VOTES

Of absent electors, *See above, this title,* ABSENT ELECTORS.

Contested, *See below, this title,* CONTESTED ELECTIONS.

Returns, *See below, this title,* RETURNS.

During war, *See below, this title,* DURING WAR.

Ballots not to be counted in secret. (La. 203; S.C. II 1.)

Ballots not to be counted or canvassed in secret. (Va. II 27.)

By superior court; quorum; composition of court in various counties. (Del. V 6.)

No ballots to be received and counted except official ballots delivered to voters by sworn public officials. (Wyo. VI Suffrage 11.)

Unlawful refusal or failure of election officers to receive, count or return vote of qualified elector not to prevent such vote being counted on trial of contest arising out of election. (Ark. III 11.)

In city wards, aldermen to be in session within 24 hours after close of polls and in presence of city clerk to open, examine and compare copies from lists of voters in several wards. (Me. IV Pt. I 5.)

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ELECTIONS (*Cont'd*)

CANVASS OF VOTES (*Cont'd*)

For officers chosen by electors of more than one county, to be made by county canvassing boards of respective counties; result certified to state board which shall canvass and declare result of election. (N.M. XX 7.)

For governor, lieutenant-governor, state officers and other officers referred to them, to be made by secretary of state, state treasurer and commissioner of state land office, constituting board of state canvassers; if commissioner of land office abolished, another state officer to be designated by law as member of board. (Mich. VI 20.)

For state officers, in manner provided by law. (Ariz. V 11.)

For state officers voted for at general election, by chief justice and associate justices of highest court. (Nev. V 4.)

For state officers, by secretary of state, governor and chief justice, constituting state canvassing board. (N.M. V 2.)

CERTIFICATES OF ELECTION

Delivery by presiding election officers of district to prothonotary of superior court. (Del. V 6.)

Issue of certificates for commissions to all persons entitled thereto, legislature to enact general law for; not to apply to school district elections. (Ky. 153, 155.)

Form, legislature to have full power to prescribe. (R.I. II 6.)

Election of judges hereinbefore provided, clerks, registers of wills and other officers provided in constitution, except state's attorneys, to be certified by clerks of circuit courts of counties and of Baltimore city, respectively, to governor. (Md. IV 11.)

Of state officers to be issued by secretary of state in manner provided by law. (Ariz. V 11.)

CERTIFICATES OF REGISTRATION, *See below, this title,* REGISTRATION.

CHALLENGES

Person challenged must swear or affirm innocence before vote received; form of oath prescribed. (Ga. II 1.)

Person challenged for legal cause must swear or affirm innocence before vote received; false oath or affirmation to be perjury; penalty, imprisonment in penitentiary not less than one nor more than five years. (Ala. VIII 185.)

Person challenged for bribery at election, must swear or affirm innocence before vote received. (Pa. VIII 8.)

Person challenged for bribery at election must swear or affirm innocence before vote received; oath or affirmation to be conclusive evidence for election officers; false oath or affirmation to be perjury. (Del. V 3.)

Person challenged for bribery at or betting on election must swear or affirm innocence before election officers before vote received. (N.Y. II 2.)

CITY ELECTIONS

See throughout this title.

Of a particular officer, See CITIES.

Bonding elections, *See* CITIES — DEBT.

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ELECTIONS (*Cont'd*)

COMMISSIONS, *See* PUBLIC OFFICERS.

COMPULSORY VOTING:

Legislature may prescribe penalties for failing, neglecting or refusing to vote at general election. (N.D. V 127.)

CONDUCT:

Absent electors, *See above, this title*, ABSENT ELECTORS.

Manner of voting, *See below, this title*, MANNER OF VOTING.

Offenses, *See below, this title*, OFFENSES.

Laws may be passed regulating. (Md. III 49; R.I. II 6.)

Laws to be passed regulating. (Conn. VI 6; Fla. III 25; Mass. Amend. XXIX; Nev. II 6, IV 27; N.M. VII 1; Okla. III 4; Ore. II 8; S.C. II 8; Tex. XVI 2; Va. IV 56; W.Va. IV 11.)

Laws, not inconsistent with constitution, to be passed regulating. (Ala. VII 190.)

Laws regulating, to protect privilege of suffrage. (Ala. I 33.)

Laws regulating, to protect right of suffrage. (S.C. I 9.)

Laws regulating, to be uniform throughout state. (Ala. VIII 190; Pa. VIII 7.)

Local or special laws not to regulate. (Ala. IV 104; Ariz. IV 19; Cal. IV 25; Colo. V 25; Ida. III 19; Ill. II 22; Ky. 59; La. 48; Minn. IV 33; Mo. IV 52; Mont. V 26; Nebr. III 19; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; W.Va. VI 39; Wyo. III 27.)

Local or special laws not to regulate conduct of elections for state and county officers. (Fla. III 20.)

Local or special laws not to regulate conduct of elections for state, county and township officers. (Ind. IV 22; Nev. IV 20; Ore. IV 23.)

Of municipal elections in cities or towns of 2,000 may be regulated by city or town after filing charter under home rule amendment; regulations to include notice of elections, registration, nominations, challenges, canvass, certification of results, security of purity, safeguards against abuses and tendency to non-partisan character. (Colo. XX 6.)

In city elections for civil officers required by constitution to be elected, proceedings to be same as in case of vote for members of legislature. (Me. IV Pt. I 5.)

Legislature to prescribe calling and holding public meetings of inhabitants in wards or otherwise for election of officers of municipal corporations. (Mass. Amend. II.)

CONTESTED ELECTIONS:

Ballots cast may be counted, compared and examined under such regulations as may be prescribed by law. (Mo. VIII 3.)

Ballots cast may be counted and compared with lists of voters and examined under such regulations as may be provided by law, if paper ballots required to be used. (Colo. VII 8.)

Ballots of qualified electors to be counted although election officers had unlawfully refused or failed to receive, count or return same. (Ark. III 11.)

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ELECTIONS (*Cont'd*)

CONTESTED ELECTIONS (*Cont'd*)

Legislature in joint convention to determine. (Mich. XVI 4.)

Legislature may provide by general law for trial of; not to apply to school district elections. (Ky. 153, 155.)

Legislature to provide manner of determining. (W.Va. IV 11.)

Legislature to provide manner of determining, in cases not specifically provided for in constitution. (Ark. XIX 24; Va. IV 56.)

Legislature to provide before what authority and in what manner trial to be conducted. (Ohio II 21.)

Legislature by general law to designate court or judge for each class of contests and to regulate manner of trial; law not to apply to election held before its passage. (Mo. VIII 9; Pa. VIII 17.)

Legislature by general law to designate court or judge for each class of contests not herein provided for and to regulate manner of trial; law not to apply to election held before its passage. (Colo. VII 12.)

Trial to be by courts or one or more judges thereof. (Pa. VIII 17.)

Trial and determination of contests in local or municipal elections to be by courts of law or judges thereof as provided by legislature. (Pa. VIII 17.)

Trial to be by courts of law at domicile of defendant in case of all officers except governor and lieutenant-governor; legislature to provide for. (La. 209.)

Trial to be by courts of law or one or more judges thereof, in case of all officers except governor and lieutenant-governor. (Mo. VIII 9.)

In trial, determination of superior court in canvass of votes not to be conclusive. (Del. V 6.)

In trial, testimony of witness may be compelled with immunity except for perjury. (Ark. III 9; Colo. VII 9; La. 216; Pa. VIII 10.)

In trial, testimony of witness, except defendant, may be compelled with immunity except for perjury. (Ala. VIII 189.)

Appeal in all cases of contest for county, township or municipal office, to lie at instance of aggrieved party from any inferior board, council or tribunal to circuit court on terms and conditions on which appeals granted to that court in other cases; and on appeal case to be tried *de novo*. (Ark. VII 52.)

CONTRIBUTIONS, *See above, this title*, CAMPAIGNS.

CONVENTIONS

Nominations, *See below, this title*, NOMINATIONS.

Qualifications for voting or participating in convention, mass meeting or other method of action of political party or faction same as prescribed in constitution for voting at elections. (Ala. VIII 183.)

Legislature may enact laws as to election of delegates. (Cal. II 2½.)

Legislature to enact laws to secure fairness in. (La. 215; Miss. XII 247.)

Only registered voters may vote; representation on basis of population. (La. 200.)

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ELECTIONS (*Cont'd*)

CONVENTIONS (*Cont'd*)

Delegates to national conventions to be chosen by direct vote of electors; ballots for candidates to state first and second choice of presidential candidates but name of presidential candidate shall not be used without his written authority. (Ohio V 7.)

CORRUPT PRACTICES

See also below, this title, FREEDOM OF.

See also below, this title, OFFENSES.

See also below, this title, PURITY.

Disfranchisement for, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — ELECTION CRIME AS DISQUALIFICATION.

Legislature may in addition to other penalties provide disqualification for office. (Va. II 36.)

Legislature may pass laws to prevent. (Del. V 1; R.I. II 6.)

Legislature to pass laws to prevent. (W.Va. IV 11.)

COUNTY ELECTIONS

See throughout this title.

Of a particular officer, See COUNTIES.

Bonding elections, *See* COUNTIES — DEBT.

CRIMINALS, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

DATES, *See below, this title,* TIME.

DAYS

Privileges of electors, *See below, this title,* PRIVILEGES OF ELECTORS.

Sale of liquor, *See below, this title,* INTOXICATING LIQUORS.

DEFINITION

Includes decision of questions submitted to voters as well as choice of officers. (Ky. 147.)

DETERMINATION

Canvass of votes, *See above, this title,* CANVASS OF VOTES.

Preferential voting, *See below, this title,* PREFERENTIAL VOTING.

Returns, *See below, this title,* RETURNS.

Ties, *See below, this title,* TIE VOTE.

Legislature may provide by general law for manner of ascertaining result; not to apply to school district elections. (Ky. 153, 155.)

Legislature to provide for manner of ascertaining result. (Ala. VIII 190; S.C. II 8.)

Plurality to constitute choice. (Ariz. VII 7; Mont. IX 13; N.M. VII 5.)

Plurality to constitute choice where not otherwise provided in constitution. (Fla. XVI 8; Nev. XV 14.)

Plurality to constitute choice where not otherwise provided in constitution; but charters of cities, counties, or cities and counties, framed under authority of constitution, may prescribe higher proportion of vote therefor; and legislature by general law may provide higher proportion of vote for officers of municipalities organized or incorporated under general laws. (Cal. XX 13.)

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ELECTIONS (*Cont'd*)

DETERMINATION (*Cont'd*)

Plurality to constitute choice but law may provide for elections by equal proportional representation of all voters, for every office filled by election of two or more whose persons and duties equal and concurrent; law may provide that person elected to office filled by election of one person shall be final choice of majority of electors voting for candidates for that office. (Ore. II 16.)

Plurality to constitute choice for civil officers whose election provided for by constitution. (Mass. Amend. XIV.)

Plurality to constitute choice for judges hereinbefore provided, clerks, registers of wills and other officers provided in constitution. (Md. IV 11.)

Plurality to constitute choice for state, city, town, ward or district officers. (R.I. Amend. X 1.)

Of election of county and district officers, commissioners of county court to judge, subject to regulations by appeal or otherwise as provided by law. (W.Va. VIII 24.)

DISABLED ELECTORS, *See above, this title*, BALLOTS — PREPARATION AT POLLS.

DISCLOSING INFORMATION, *See below, this title*, ELECTION OFFICERS.

DISFRANCHISEMENT, *See below, this title*, QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

DISPUTES

Contests, *See above, this title*, CONTESTED ELECTIONS.

Investigations, *See below, this title*, INVESTIGATIONS.

As to right to vote, *See below, this title*, QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — PROOF.

DISTRICTS

See also below, this title, PLACE.

Formation from townships and wards of cities or boroughs in districts of compact and contiguous territory in manner directed by court of quarter sessions; in cities of over 100,000, division whenever more than 250 votes cast at preceding election; elsewhere, division whenever court of proper county of opinion that convenience of electors and public interests promoted thereby. (Pa. VIII 11.)

Legislature has no power to make or change election precincts; but shall prescribe manner in which power shall be exercised by courts. (Ga. III Sec. VII 18.)

Legislature to provide for establishment of polling precincts; existing to continue until abolished or changed; each county to constitute one election district. (S.C. II 9, VII 9.)

Local or special law not to change boundaries of wards, precincts or districts unless new counties organized or lines of old counties changed. (Ala. IV 104.)

Local or special law not to change boundaries of wards, precincts or districts, unless new counties organized. (Ky. 59.)

Removal from, *See below, this title*, QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — RESIDENCE.

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ELECTIONS (*Cont'd*)

DISTRICTS (*Cont'd*)

Residence required, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — RESIDENCE.

ELECTION BOARDS, *See below, this title,* ELECTION OFFICERS.

ELECTION OFFICERS

Boards

Charged with duty of distributing ballots at polls or of receiving, recording or counting votes, laws to secure thereon equal representation of two political parties casting highest and next highest number of votes at preceding general election; not to apply to town meetings and village elections; officers to be appointed or elected in such manner and on nomination of such representatives of parties as legislature may direct; existing laws continued until legislature so directs. (N.Y. II 6.)

Legislature to enact laws creating; not more than majority of members to be selected from same party. (Okla. III 4.)

District election boards to consist of judge and two inspectors, chosen annually by citizens; vacancies filled and in new districts first board selected as provided by law. (Pa. VIII 14.)

Appointed for each county and city by circuit court, corporation court or judge of court in vacation; detailed provision as to number, terms of office, duties; person holding office or post of profit or emolument under United States or who is in United States employ or holding elective office of profit or trust in state, county, city or town ineligible. (Va. II 31.)

Bribery

See also above, this title, BRIBERY.

Person bribing or attempting to cause officer to violate official duty, to be guilty of misdemeanor and punished by fine and imprisonment within limits and by disfranchisement for 10 years; prosecution. (Del. V 7, 8.)

Clerks

Appointment of one clerk by each inspector. (Pa. VIII 14.)

Appointment by electoral board of county or city. (Va. II 31.)

Compensation at Primaries, *See below, this title,* PRIMARIES.

Creation of Office

Local or special laws not to be passed for. (Cal. IV 25; Ida. III 19; Mo. IV 53; N.D. II 69, Paragraph 32; Okla. V 46; Pa. III 7; Tex. III 56.)

Inspectors

Each elector in district may vote for one inspector; each inspector to appoint one clerk. (Pa. VIII 14.)

Judges of Elections

Appointment by electoral board of county or city; persons holding office of profit or emolument under United States or deputy or employee of United States or person holding elective office of profit or trust in state, county, city or town not eligible; representation to two leading parties. (Va. II 31.)

Bi-partisan as far as possible. (Va. II 31.)

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ELECTIONS (*Cont'd*)

ELECTION OFFICERS (*Cont'd*)

Judges of Elections (*Cont'd*)

Not more than two to belong to same party at time of appointment. (N.M. VII 1.)

Each elector in district may vote for judge. (Pa. VIII 14.)

Legislature may regulate all matters relating to. (Md. III 49.)

To mark tax receipts presented so as to prevent holders from voting more than once at any election. (Ark. Amend. IX.)

Managers of Elections

To require of electors proof of payment of taxes, including poll tax, during previous year, before allowing them to vote. (S.C. II 4.)

Oaths and Affirmations

Not to disclose how any elector voted. (Colo. VII 8.)

Not to disclose how any elector voted unless required to do so as witness in judicial proceeding or proceeding to contest election. (Ark. III 3; Mo. VIII 3.)

Offenses

Making or offering to make false election or primary returns to procure nomination or election of any person to office to be punished by disfranchisement. (Ala. VIII 182.)

Unlawful refusal or failure to receive, count or return vote or ballot of qualified elector not to prevent such vote being counted on trial of contest arising out of election. (Ark. III 11.)

Violation of duty; fine, and imprisonment within fixed limits and disfranchisement for 10 years; prosecution. (Del. V 7, 8.)

Overseers of Election

Appointment of two by courts of common pleas on petition of five lawful voters of election district; detailed provisions as to duties and qualifications. (Pa. VIII 16.)

Powers and Duties

Local or special laws not to prescribe. (Cal. IV 25; Ida. III 19; Mo. IV 53; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56.)

At Primaries, *See below, this title,* PRIMARIES.

Privileges

From arrest on election days and while making up and transmitting returns, except on warrant of court of record or judge thereof for election fraud, felony or wanton breach of peace; in cities, exemption from jury duty during terms of service may be claimed. (Pa. VIII 14.)

Qualifications

Not eligible to civil office to be filled at election at which they serve, except to subordinate municipal or local offices, below grade of city or county offices, designated by general law. (Ark. III 10; Pa. VIII 15.)

Persons holding office, appointment or employment in or under government of United States, state, city, county or municipal board, commission or trust in any city, except justices of the peace, aldermen, notaries public and persons in militia service, not qualified to serve. (Ark. III 10.)

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ELECTIONS (*Cont'd*)
ELECTION OFFICERS (*Cont'd*)
Qualifications (*Cont'd*)
Persons holding or having held within two months office, appointment or employment under United States, state, city, county or municipal board, commission or trust in any city, except justices of the peace, aldermen, notaries public and persons in militia service of state, not qualified to serve. (Pa. VIII 15.)
Residents and voters in precinct in which they act; not to apply to school district elections. (Ky. 148, 155.)
Registrars of Election
Appointment by electoral board of county or city; persons holding office of profit or emolument under United States or deputy or employee of United States or person holding elective office of profit or trust in state, county, city or town not eligible. (Va. II 31.)
Not eligible to elective office during term of office. (Ala. VII 186.)
Registration Boards, *See below, this title*, REGISTRATION.
ELECTIVE FRANCHISE
Offenses against, *See below, this title*, OFFENSES.
Purity, *See below, this title*, PURITY.
Qualifications, *See below, this title*, QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.
ELECTORS
Privileges, *See below, this title*, PRIVILEGES OF ELECTORS.
Qualifications, *See below, this title*, QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.
EMPLOYEES' VOTES
Legislature to provide that all employers allow employees under reasonable regulations, at least four hours on election day to vote; not to apply to school district elections. (Ky. 148, 155.)
ENROLLMENT, *See below, this title*, REGISTRATION.
EQUALITY
Elections ought to be equal. (Va. I 6.)
Elections shall be equal. (Ariz. II 21; Ark. III 2; Del. I 3; Ill. II 18; Ind. II 1; Ky. 6; Okla. II 4, III 7; Ore. II 1, Pa. I 5; S.D. VI 19; Tenn. I 5; Wash. I 19; Wyo. I 27.)
Inhabitants having qualifications provided by constitution to have equal right to elect officers for public employments. "Inhabitant" means dwelling or having home. (Mass. Pt. I 9; Pt. II Ch. I Sec. II 2.)
Inhabitants having prescribed qualifications to have equal right to elect officers. (N.H. I 11; S.C. I 10.)
EXTENSIONS OF FRANCHISE, *See below, this title*, QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — CHANGE.
FEDERAL ELECTIONS
Of representatives in Congress, *See* CONGRESS OF UNITED STATES.
Of United States senators, *See* CONGRESS OF UNITED STATES.
No person to vote unless registered. (Md. I 5.)

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ELECTIONS (*Cont'd*)

TO FILL VACANCIES, *See* PUBLIC OFFICERS—VACANCIES.

FRAUD

See also below, this title, PURITY.

At primaries, *See below, this title,* PRIMARIES.

In returns, *See below, this title,* RETURNS.

Candidates guilty of, forever disqualified from holding office of trust or profit. (Pa. VIII 9.)

Excepted from offenses for which election officers privileged from arrest on election days and while making up and transmitting returns. (Pa. VIII 14.)

Legislature may enact laws necessary to prevent. (Del. V 1; R.I. II 6.)

Legislature to enact laws necessary to prevent. (W.Va. IV 11.)

Legislature to make regulations necessary to detect and punish. (Okla. III 6; Tex. VI 4.)

FREEDOM OF

See also below, this title, PURITY.

Bribery, *See above, this title,* BRIBERY.

Corrupt practices, *See above, this title,* CORRUPT PRACTICES.

Elections shall be free. (Ariz. II 21; Ark. III 2; Colo. II 5; Del. I 3; Ill. II 18; Ind. II 1; Ky. 6; Mo. II 9; Mont. III 5; Nebr. I 22; N.M. II 8; Okla. II 4, III 7; Ore. II 1; Pa. I 5; S.C. I 10; S.D. VI 19; Tenn. I 5; Utah I 17; Wash. I 19; Wyo. I 27.)

Elections shall be free and voluntary. (Vt. II 51.)

Elections ought to be free. (Mass. Pt. I 9; Md. D.R. 7; N.H. I II; N.C. I 10; Va. I 6.)

Elections ought to be free and without corruption. (Vt. I 8.)

Qualified voters not to be hindered in exercise of elective franchise. (Nebr. I 22.)

Laws to prohibit under adequate penalties undue influence from power, bribery, tumult or other improper influence. (Ala. I 33; Cal. XX 11; Conn. VI 6; Fla. III 26; Nev. IV 27; Ore. II 8; S.C. I 9; Tex. XVI 2.)

Legislature may prescribe means to preserve freedom and prevent intimidation. (Del. V 1.)

Legislature may enact laws to secure. (Tenn. IV 1.)

Legislature to enact laws to prevent intimidation, disorder or violence at polls. (W.Va. IV 11.)

Privilege of free suffrage to be supported by law. (Ala. I 33; Cal. XX 11; Conn. VI 6; Ore. II 8; Tex. XVI 2.)

Right of free suffrage to be supported by law. (S.C. I 9.)

No power, civil or military, to interfere to prevent free exercise of right of suffrage. (Ariz. II 21; Ark. III 2; Colo. II 5; Mo. II 9; Mont. III 5; N.M. II 8; Okla. II 4, III 7; Pa. I 5; S.C. II 15; S.D. VI 19; Utah I 17; Wash. I 19.)

No power, civil or military, to interfere to prevent free and lawful exercise of right of suffrage. (Ida. I 19.)

No power, civil or military, to interfere to prevent untrammeled exercise of right of suffrage. (Wyo. I 27.)

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ELECTIONS (*Cont'd*)

FREEDOM OF (*Cont'd*)

Persons preventing or attempting to prevent by force, threat or intimidation persons qualified from being registered or voting at general, special or municipal election, to be guilty of misdemeanor; punishment by fine, imprisonment and disfranchisement; prosecution. (Del. V 7, 8, 9.)

FREQUENCY

Elections ought to be frequent. (Md. D.R. 7.)

Elections ought to be frequent for redress of grievances and for amending and strengthening laws. (N.C. I 28.)

Not more than one election annually to be held in state or any city, town, district or county except as otherwise provided in constitution; not to apply to school district elections. (Ky. 148, 155.)

Annually after 1878 on such day as may be prescribed by law. (Colo. VII 7.)

Annually or biennially as electors of town determine, for "such officers of local police" as law may prescribe. (Conn. Amend. XXXII.)

Biennially. (Del. V 1; Me. II 4; Mo. VIII 1.)

Biennially for general elections. (Ark. III 8; Ore. II 16; S.D. VII 4.)

Biennially, for general elections of governor, lieutenant governor, secretary, treasurer, comptroller and members of legislature and such officers as may be prescribed. (Conn. Amend. XXVII 1.)

Biennially, after 1884, for general elections. (Minn. VII 9.)

Biennially, after 1884, for state and county officers, except judicial. (Wis. XIII 1.)

Biennially, after 1890, for general elections. (N.D. V 124.)

Biennially, after 1898, for general elections of state and county officers. (Fla. XVIII 9.)

Biennially, after 1906. (Iowa XII 16.)

Biennially, after 1914, for general elections. (Nebr. XVI 13.)

Biennially, even numbered years, for general election of representatives in Congress, state, county and precinct officers. (Ariz. VII 11.)

Biennially, even numbered years, for officers provided for by constitution. (Cal. XX 20.)

Biennially, even numbered years, for general and township elections. (Kan. IV 2.)

Biennially, even numbered years, for general elections. (N.M. XX 6; Pa. VIII 2.)

Biennially, even numbered years, for state and county officers. (Ohio XVII 1.)

Biennally, even numbered years, for county and district officers. (Wash. VI 8.)

Biennially, odd numbered years, for other than state or county officers. (Ohio XVII 1.)

Biennially, odd numbered years, for judges of judicial districts, county, city, ward, borough and township officers. (Pa. VIII 3.)

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ELECTIONS (*Cont'd*)

FREQUENCY (*Cont'd*)

Biennially in odd numbered years for city officers and county officers in New York and Kings counties and counties coterminous with city, except to fill vacancies. (Provision not applicable to city of third class or to election of judicial officers, except judges of inferior local courts.) (N.Y. XII 3.)

Biennially in odd numbered years for city and town officers, except members of municipal legislative boards, who may be elected in even or odd years, or part in even and part in odd. (Ky. 167.)

Every four years, after 1895. (Miss. XII 252.)

Every four years for state and county officers. (Miss. IV 102.)

Every four years, for general state elections, until otherwise provided by law. Parochial elections on same day, but not oftener than every four years. In New Orleans, parochial and municipal elections not oftener than every four years. (La. 206, 207.)

Every four years, for state officers, if not otherwise provided in constitution. (Wash. VI 8.)

GENERAL, *See throughout this title.*

GRANDFATHER CLAUSE, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — EDUCATIONAL.

HOURS

Between 6 a. m. and 7 p. m., but legislature may change; not to apply to school district elections. (Ky. 148, 155.)

ILLEGAL VOTING, *See below, this title,* OFFENSES.

ILLITERATE ELECTORS, *See above, this title,* BALLOTS — PREPARATION AT POLLS.

INITIATIVE, *See* INITIATIVE AND REFERENDUM.

INSPECTORS, *See above, this title,* ELECTION OFFICERS.

DURING INSURRECTIONS, *See below, this title,* DURING WAR.

INTERFERENCE, *See above, this title,* FREEDOM OF.

INTOXICATING LIQUORS

Duty of legislature to pass adequate laws to protect against evils arising from use at elections. (Ala. VIII 191.)

Legislature to forbid sale, distribution or furnishing of intoxicating drinks within two miles of election precincts on days of state, county or municipal elections and to prescribe punishment for violation. (Ga. II 5.)

Legislature to forbid or restrict sale or gift of spirituous, vinous or malt liquors on election days; not to apply to school district elections. (Ky. 154, 155.)

Legislature to forbid sale or gift of intoxicating drinks within one mile of polling place on election or primary days. (La. 205.)

INVESTIGATIONS

Testimony of witness may be compelled with immunity except for perjury. (Ala. VIII 189; Ark. III 9; La. 216; Pa. VIII 10.)

JUDGES OF ELECTIONS, *See above, this title,* ELECTION OFFICERS.

LAWS

In connection with a particular phase of elections, *See the specific subheads throughout this title.*

Violations, *See below, this title,* OFFENSES.

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ELECTIONS (*Cont'd*)

IN LEGISLATURE, *See* LEGISLATURE.

LIQUORS, *See above, this title,* INTOXICATING LIQUORS.

LISTS

Of persons paying poll taxes, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Of persons voting for general officers; town or ward officers need not keep; legislature may pass laws on subject. (R.I. Amend. I.)

LOCAL, *See throughout this title.*

MANAGERS, *See above, this title,* ELECTION OFFICERS.

MANNER OF HOLDING, *See above, this title,* CONDUCT.

MANNER OF VOTING

By absent electors, *See above, this title,* ABSENT ELECTORS.

Ballots, *See above, this title,* BALLOTS.

Mechanical devices, *See below, this title,* MECHANICAL DEVICES.

Secrecy, *See below, this title,* SECRECY.

Voting machines, *See below, this title,* VOTING MACHINES.

During war, *See below, this title,* DURING WAR.

In different parts of the state, different methods may be authorized. (Cal. II 6.)

Every qualified elector may vote for one person under title of each office. (Ore. II 16.)

Openly or *viva voce* until legislature directs otherwise. (Ore. II 15.)

Of officers not otherwise directed or provided by constitution to be made in manner prescribed by law. (Tenn. VII 4.)

Legislature may prescribe, but secrecy to be preserved. (Ariz. VII 1; Cal. II 5; N.Y. II 5; Pa. VIII 4.)

Legislature may prescribe by general law; not to apply to school district elections. (Ky. 153, 155.)

Legislature may prescribe order and manner of voting for governor, lieutenant-governor, secretary, representatives in legislature and senators. (Conn. Amend. VI.)

State officers elected in same manner as governor. (Miss. V 143.)

Votes for governor, lieutenant-governor and treasurer to be given to constable to be delivered to the representatives and counted at opening of general assembly. (Vt. II 39.)

Legislature may provide by general law manner in which officers of municipalities organized under general laws may be elected. (Cal. XX 13.)

Charters framed under authority of constitution may provide manner in which elective officers may be elected. (Cal. XX 13.)

For township officers to be as prescribed by law. (Ohio X 4.)

Local or special law not to provide for election of officers in townships, incorporated towns or cities. (Nebr. III 15.)

Local or special law not to provide mode of election of county, city, village, township, ward or school district officers. (Minn. IV 33.)

MECHANICAL DEVICES

See also above, this title, MANNER OF VOTING.

Voting machines, *See below, this title,* VOTING MACHINES.

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ELECTIONS (*Cont'd*)

MECHANICAL DEVICES (*Cont'd*)

For receiving and registering votes, use in designated subdivisions of state at option of local authority may be authorized by legislature. (Cal. II 6.)

For receiving and registering votes may be used, but secrecy in voting to be preserved. (Colo. VII 8; Utah. IV 8.)

For voting, use authorized under such regulations as may be prescribed; but right of secret voting to be preserved. (Conn. Amend. XXXIII; Mass. Amend. XXXVIII.)

MUNICIPAL ELECTIONS

See throughout this title.

Of a particular officer, See "CITIES", "MUNICIPALITIES", "VILLAGES", "COUNTIES", "TOWNSHIPS".

Bonding elections, *See the subhead* DEBT *under the titles* "CITIES", "MUNICIPALITIES", "VILLAGES", "COUNTIES", "TOWNSHIPS".

NOMINATIONS

Conventions, *See above, this title,* CONVENTIONS.

Direct nominations, *See below, this title,* PRIMARIES.

Legislature to enact laws to secure fairness in naming party candidates. (La. 215; Miss. XII 247.)

Only registered voters may vote at political assembly held for. (La. 200.)

For elective state, district, county and municipal offices to be made at direct primary elections or by petition as provided by law. (Ohio V 7.)

By petition of non-partisan candidates, right to place on ballot not excluded by laws for primaries. (Okla. III 5.)

Laws to be effective requisite number of days before Tuesday after first Monday in November. (Ore. II 14.)

Plurality requirement, proportional representation and preferential vote principles may be applied by law to. (Ore. II 16.)

NOTICE

Sheriffs of counties and of city of Baltimore to give, as prescribed by existing laws until changed. (Md. XV 8.)

NUMBER, *See above, this title,* FREQUENCY.

OATHS

On challenge, *See above, this title,* CHALLENGES.

At registration, *See below, this title,* REGISTRATION.

Religious test oaths, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — RELIGIOUS.

Legislature may prescribe oaths of electors. (Conn. Amend. VIII.)

Legislature may prescribe other or further oaths necessary as test of electoral qualifications. (Nev. II 6.)

Legislature to provide uniform oath or affirmation to be administered at elections and no person to be compelled to take other or different oath to entitle him to vote. (Minn. XV 3.)

Prescribed for freemen. (Vt. II 34.)

Political test oath prohibited. (W.Va. III 11.)

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ELECTIONS (*Cont'd*)

OFFENSES.

See also below, this title, PURITY.

Bribery, *See above, this title,* BRIBERY.

Corrupt practices, *See above, this title,* CORRUPT PRACTICES.

Disfranchisement for, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — ELECTION CRIME AS DISQUALIFICATION.

Fraud, *See above, this title,* FRAUD.

At registration, *See below, this title,* REGISTRATION.

Undue influence, *See above, this title,* FREEDOM OF.

Arrest for, on election day, electors not privileged from. (Ky. 149.)

Candidates convicted of wilful violation of election law, forever disqualified from holding office of profit or trust. (Pa. VIII 9.)

At general, special or municipal elections or primaries, conventions or meetings, legislature may define and punish; prosecution not subject to certain constitutional provisions. (Del. V 9.)

Legislature may define and punish offenses against freedom and purity of ballot, or touching conduct, returns or ascertainment of result of general, special or municipal elections or of primary elections, conventions or meetings; prosecutions not subject to certain constitutional provisions. (Del. V 9.)

Legislature to provide for correction of. (S.C. II 5.)

Legislature to provide for prosecution of persons charged with. (La. 201.)

Legislature to provide for punishment of persons voting in violation of constitution. (Wash. VI 1.)

Legislature to punish with fine and imprisonment person voting in district or ward in which he does not reside except as permitted by law, or voting in more than one district, or voting or offering to vote in name not his own, or voting in county in which he does not reside, or removing into district in Baltimore merely to vote at approaching election. (Md. I 4.)

Person convicted of giving or causing to be given illegal vote, in addition to other penalties, forever disqualified to hold office of profit or trust. (Md. I 3.)

In trial, testimony of witness may be compelled, with immunity except for perjury. (Colo. VII 9; Del. V 7; La. 216.)

In trial, testimony of witness except defendant may be compelled, with immunity except for perjury. (Ala. VIII 189.)

OFFICERS, *See above, this title,* ELECTION OFFICERS.

OPEN, *See below, this title,* SECRECY.

OPENING

Local or special law not to be passed for. (Colo. V 25; Ill. II 22; La. 48; Minn. IV 33; Mo. IV 53; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; W.Va. VI 39; Wyo. III 27.)

Local or special law not to provide for in state and county elections. (Fla. III 20.)

Local or special law not to provide for in state, county or township elections. (Ind. IV 22; Nev. IV 20; Ore. IV 23.)

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ELECTIONS (*Cont'd*)

ORDER OF VOTING, *See above, this title,* MANNER OF VOTING.

OVERSEERS, *See above, this title,* ELECTION OFFICERS.

PLACE

Election districts, *See above, this title,* DISTRICTS.

In election district of residence and not elsewhere. (N.Y. II 1.)

In election precinct of residence, but law to provide for transfer on change of residence. (S.C. II 9.)

In election precinct of residence, but residents of unorganized counties may vote in any precinct of county to which their county is attached for judicial purposes. (Tex. VI 2.)

In election district of residence for county officers, for state officers, in any county; for member of Congress, in any county of congressional district. (Ore. II 17.)

In cities for officers heretofore required to be elected in town meeting, voters may vote in respective wards. (Me. IV Pt. I 5.)

In town or plantation of residence. (Me. II 1.)

Legislature may enact laws requiring voters to vote in election precincts of residence. (Tenn. IV 1.)

Legislature may provide more than one place of public meeting in each town. (Mass. Amend. XXIX.)

Legislature may regulate place of holding elections. (Md. III 49.)

Local or special law not to designate. (Ala. IV 104; Colo. V 25; Ida. III 19; Ill. II 22; La. 48; Minn. IV 33; Mo. IV 53; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; Va. IV 63; W.Va. VI 39; Wyo. III 27.)

Local or special law not to designate, except on organization of new counties. (Cal. IV 25; Ky. 59.)

Local or special law not to designate, for state and county officers. (Fla. III 20.)

Local or special law not to designate for state, county and township elections. (Ind. IV 22; Nev. IV 20; Ore. IV 23.)

PLURALITY, *See above, this title,* DETERMINATION.

POLITICAL CONVENTIONS, *See above, this title,* CONVENTIONS.

POLL TAXES, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

PRECINCTS, *See above, this title,* DISTRICTS.

PREFERENTIAL VOTING

Law may provide for voters' direct or indirect expression of first, second or additional choices. (Ore. II 16.)

For United States senator, law to provide. (Ohio V 7.)

PRIMARIES

Advisory votes, *See above, this title,* ADVISORY VOTES.

Electors; only registered electors may vote. (La. 200.)

Electors; only registered electors may vote at legalized primary. (Va. II 35.)

Electors; persons convicted of making or offering to make false returns to procure nomination of any person to office to be disqualified from registering and voting. (Ala. VIII 182.)

Electors; same qualifications for voting. (Ala. VIII 183.)

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ELECTIONS (*Cont'd*)

PRIMARIES (*Cont'd*)

Fraud, legislature to provide for punishment. (Ala. VIII 190; S.C. II 10.)

Legislature may prescribe that primaries be mandatory and obligatory. (Cal. II 2½.)

Legislature shall not make primaries compulsory. (Ala. VIII 190.)

Legislature to enact laws for mandatory primary system, for state, district, county and municipal officers, including United States senators, but right to place on ballot by petition non-partisan candidates not excluded. (Okla. III 5.)

Legislature to enact direct primary law for elective state, county and city officers, including United States senators and representatives in Congress. (Ariz. VII 10.)

Legislature to enact direct primary law, without conventions and to determine conditions for participation of electors, parties or organizations in primaries; law in force in 1908 to remain until new law enacted. (Cal. II 2½.)

Legislature may enact direct primary law for elective state, district, county and municipal offices but not for offices in townships or municipalities less than 2,000 unless majority of their electors petition therefor; ballots for candidates to national political conventions to state first and second choice of candidates for presidency, but name of presidential candidate shall not be used without his written authority. (Ohio V 7.)

Legislature to enact laws to secure fairness in. (La. 215; Miss. XII 247.)

Legislature to enact laws to secure regularity and purity of. (Va. II 36.)

Legislature to enact laws for regulation of. (S.C. II 10.)

Legislature to enact laws, not inconsistent with constitution, for regulation of. (Ala. VIII 190.)

Offenses, legislature may define and punish; prosecution not subject to certain constitutional provisions. (Del. V 9.)

Offenses, legislature to provide for prosecution of persons charged with. (La. 201.)

Official ballots, no fee to be required for placing name of candidate on. (Ariz. VII 14.)

Services of election officers, legislature may establish rates of compensation in political subdivision; need not be uniform; legislature may declare for this purpose population of any city, city and county, county or political subdivision. (Cal. II 2½.)

PRIVILEGES OF ELECTORS

Not to be diminished or enlarged on account of religious belief. (Mich. II 3.)

From arrest, except for treason, felony or breach of peace, during attendance at, going to or returning from elections. (Ala. VIII 192; Ariz. VII 4; Ark. III 4; Cal. II 2; Colo. VII 5; Del. V 5; Ill. VII 3; Ind. II 12; Iowa II 2; Kan. V 7; La. 204; Me. II 2;

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ELECTIONS (*Cont'd*)

PRIVILEGES OF ELECTORS (*Cont'd*)

Mich. III 5; Miss. IV 102; Mo. VIII 4; Mont. IX 4; Nebr. VII 5; Ohio V 3; Okla. III 7; Ore. II 13; S.C. II 14; S.D. VII 5; Tex. VI 5; Utah IV 3; Wash. VI 5; Wyo. VI Suffrage 3.)

From arrest except for treason, felony or breach of surety of peace during attendance at, going to or returning from elections. (Pa. VIII 5.)

From arrest except for treason, felony, breach of surety of peace, or violation of election laws, during attendance at, going to or returning from elections. (Ky. 149.)

From arrest, except for treason, felony, breach of peace or illegal voting on election days during attendance at, going to or returning from elections. (N.D. V 123.)

From arrest, except for treason, felony, larceny or breach of peace, during attendance at, going to or returning from elections. (Ga. II 3.)

From arrest or summons, except for treason, felony or breach of peace during attendance at, going to or returning from elections. (Tenn. IV 3.)

From arrest on civil process on election day. (Miss. VII 5; Nev. II 4.)

From arrest on civil process during attendance at, going to or returning from elections. (Conn. VI 8; Va. II 29.)

From arrest on civil process during continuance of elections or time necessary for going to or returning from same. (W.Va. IV 3.)

From attendance at court as suitor or witness on election day. (Mich. III 6.)

From attendance at court as suitor, witness or juror on election day. (Va. II 29.)

From attendance at court or judicial proceeding as suitor, witness or juror during continuance of election or time necessary for going to or returning from same. (W.Va. IV 3.)

From highway labor during continuance of election or time necessary for going to or returning from same. (W.Va. IV 3.)

From military duty on election day except in time of war or public danger. (Ariz. VII 5; Cal. II 3; Ill. VII 3; Iowa II 3; Me. II 3; Mich. III 6; Mont. IX 5; Nebr. VII 5; N.D. V 123; Ore. II 13; S.D. VII 5; Utah IV 4; Va. II 29; Wash. VI 5; W.Va. IV 3; Wyo. VI 4.)

PROPORTIONAL REPRESENTATION

Law may provide for elections by equal proportional representation of all voters for every office filled by election of two or more persons whose official duties, rights and powers are equal and concurrent. Qualified elector resident in precinct and registered as required by law may vote for one person under title for each office. (Ore. II 16.)

DURING PUBLIC DANGER, *See above, this title*, PRIVILEGES OF ELECTORS.

PUBLICITY

See below, this title, SECRECY.

Of campaign contributions, *See above, this title*, CAMPAIGNS.

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ELECTIONS (*Cont'd*)

PURITY

See also above, this title, FREEDOM OF.

Corrupt practices, *See above, this title,* CORRUPT PRACTICES.

Fraud, *See above, this title,* FRAUD.

Legislature to enact laws to secure. (Ariz. VII 12; Colo. VII 11; Del. V 1; Fla. VI 9; Md. III 42; Mich. III 8; Mont. IX 9; Nev. II 6; N.M. VII 1; Okla. III 6; Tenn. IV 1; Tex. VI 4; Va. II 36; Wyo. VI Elections 1.)

Legislature to enact laws to secure regularity of general, local and primary elections. (Va. II 36.)

Laws to guard against abuses of elective franchise. (Ariz. VII 12; Colo. VII 11; Mich. III 8; Mont. IX 9; N.M. VII 1; Wyo. VI Elections 1.)

Legislature to punish offenses against. (Del. V 9.)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS

Additional, *See below, this subdivision,* CHANGE.

Adultery, *See below, this subdivision,* CRIME AS DISQUALIFICATION.

Age

Twenty-one years. (Ala. VIII 177; Ariz. VII 3; Ark. Amend. IX; Cal. II 1; Colo. VII 1; Conn. Amend. VIII; Del. V 2; Fla. VI 1; Ga. II 1; Ida. VI 2; Ill. VII 1; Ind. II 2; Iowa II 1; Kan. V 1; Ky. 145; La. 197; Me. II 1; Md. I 1; Mass. Amend. III; Mich. III 1; Minn. VII 1; Miss. XII 241; Mo. VIII 2; Mont. IX 2; Nebr. VII 1; Nev. II 1; N.H. II 27; N.J. II 1; N.M. VII 1; N.Y. II 1; N.C. VI 1; N.D. V 121; Ohio V 1; Okla. III 1; Ore. II 2; Pa. VIII 1; R.I. Amend. VII 1; S.C. II 3; S.D. VII 1; Tenn. IV 1; Tex. VI 1, 2; Utah IV 2; Vt. II 34; Va. II 18; Wash. VI 1; Wis. III 1; Wyo. VI Suffrage 2.)

Minors not permitted to vote. (W.Va. IV 1.)

Qualification not to apply to school district elections. (Ky. 145, 155.)

Date of qualifications, *See below, this title,* REGISTRATION — MINORS.

Arson, *See below, this subdivision,* CRIME AS DISQUALIFICATION.

Assault, *See below, this subdivision,* CRIME AS DISQUALIFICATION.

Betting on Election as Disqualification

See also below, this subdivision, CRIME AS DISQUALIFICATION.

Person making or interested in bet or wager to be disfranchised by law. (Fla. VI 5.)

Person making or interested in bet or wager not to vote at such election. (N.Y. II 2.)

Person interested directly or indirectly in bet may be deprived by law of right to vote at such election. (Wis. III 6.)

Bigamy as Disqualification

See also below, this subdivision, CRIME AS DISQUALIFICATION.

Conviction disfranchises. (Ala. VIII 182; Ida. VI 8; Miss. XII 241.)

Conviction disfranchises, unless pardoned by governor. (S.C. II 6.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Breach of Trust, *See below, this subdivision,* CRIME AS DISQUALIFICATION.

Bribery as Disqualification

See also below, this subdivision, CRIME AS DISQUALIFICATION.

Conviction disfranchises. (Ala. VIII 182; Conn. VI 3; Miss. XII 241.)

Conviction within or without state disfranchises. (Va. II 23.)

Conviction disfrachises; unless pardoned. (Ga. II 2.)

Conviction disfrachises; unless pardoned by governor. (S.C. II 6.)

Conviction disfranchises; disability may be removed by law, passed by two-thirds vote of all members of both branches of legislature. (Kan. V 2.)

Conviction disfranchises; privilege may be expressly restored by legislature. (R.I. II 4.)

Legislature may disfranchise persons convicted. (Minn. IV 15; N.J. II 2; Ohio V 4; Wis. III 6.)

Legislature to disfranchise persons convicted. (Cal. XX 11; Fla. VI 5; N.Y. II 2; Tex. XVI 2.)

Election bribery; person convicted to be disfranchised. (Md. I 3; W.Va. IV 1.)

Election bribery; person convicted to be disfranchised, unless restored to civil rights by executive pardon; not to apply to school district elections. (Ky. 145, 155.)

Election bribery; person convicted of bribery or of voting under influence of bribe may be by law excluded from voting for not over 10 years. (Me. IX 13.)

Election bribery; person convicted of offering, giving or receiving bribe for vote or of bribing election officer, to be disfranchised for 10 years. (Del. V 7.)

Election bribery; person offering, giving or receiving bribe not to vote at such election. (N.Y. II 2; Pa. VIII 8; Vt. II 51.)

Election bribery; person offering, giving or receiving bribe at general, special or municipal election not to vote at such election. (Del. V 3.)

Members of legislature influenced by reward or promise of reward to be disfranchised. (Cal. IV 35.)

Person convicted of bribing or attempting to bribe an executive or judicial officer of state or member or officer of legislature or of any municipal corporation or an executive officer of such corporation and any officer or member demanding or receiving a bribe for performing or failing to perform official duties, to be forever disfranchised. (Md. III 50.)

Burglary, *See below, this subdivision,* CRIME AS DISQUALIFICATION.

Change

Of a particular qualification, See the specific subheads throughout this subdivision.

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Change (*Cont'd*)
Law impairing or forfeiting right to vote not to be enacted, except for commission of felony at common law, on lawful conviction thereof. (Ark. III 2.)
Legislature may prescribe additional qualifications but not annul any in constitution. (Ida. VI 14.)
Laws extending or restricting right of suffrage not in force until adopted by majority of electors voting at general election. (N.D. V 122.)
Legislature may extend right of suffrage, but law must be submitted to people at general election and approved by majority of all votes cast. (Wis. III 1.)
Laws affecting political rights and privileges of citizens to be without distinction of circumstance or condition other than individual incompetency or unworthiness duly ascertained by court. (Wyo. I 3.)
Charity, *See below, this subdivision,* PUBLIC AID.
Chinamen, *See below, this subdivision,* RACE OR COLOR.
Citizenship
Citizen to include persons of the male and female sex. (Ariz. VII 2.)
Citizens of the state. (Del. V 2; W.Va. IV 1.)
Citizens of United States only. (Ala. VIII 177; Ariz. VII 3; Colo. VII 1; Conn. Amend. VIII; Fla. VI 1; Ga. II 1; Ida. VI 2; Iowa II 1; Me. II 1; Md. I 1; Mont. IX 2; Nev. II 1; N.J. II 1; N.M. VII 1; N.C. VI 1; N.D. V 121; Ore. II 2 (Amend. 1914); R.I. Amend. VII 1; Tenn. IV 1; Va. II 18; Wash. VI 1; Wis. III 1; Wyo. VI Suffrage 2, 5, 10.)
Citizens of United States; not to apply to school district elections. (Ky. 145, 155.)
Citizens of United States at least one month before election. (Pa. VIII 1.)
Citizen of United States at least three months before election; alternative as to Indians. (Minn. VII 1.)
Citizens of United States at least 90 days before election. (N.Y. II 1; Utah IV 2, 5.)
Citizens of United States and citizens of state. (La. 197; Okla. III 1; S.C. II 3.)
Citizens of United States and foreigners having declared intention to become citizens. (Ark. Amend. IX; Kan. V 1; S.D. VII 1.)
Citizens of United States and foreigners having declared intention to become citizens, if resident in United States one year and duly registered according to law. (Ind. II 2.)
Citizens of United States and foreigners having declared intention to become citizens at least 30 days before election. (Nebr. VII 1.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Citizenship (*Cont'd*)

Citizens of United States and foreigners having declared intention to become citizens not less than six months before election. (Tex. VI 2.)

Citizens of United States and foreigners having declared intention to become citizens not less than one nor more than five years before election. (Mo. VIII 2.)

Citizens of United States and foreigners having declared intention to become citizens two and one-half years before November 8, 1894. (Mich. III 1.)

Citizens of United States and those who obtained certificates of naturalization before January 1, 1870. (Ind. VII 1.)

Native citizens of United States, persons having acquired citizenship under treaty of Queretaro or citizens naturalized 90 days prior to election. (Cal. II 1.)

Naturalized citizens before registration to produce to registration officers certificates of naturalization or certified copies. (Fla. VI 7.)

Color, *See below, this subdivision*, RACE OR COLOR.

Convicts

See below, this subdivision, CRIME AS DISQUALIFICATION.

See below, this subdivision, PRISONERS.

Crime as Disqualification

Arson or burglary. (Ala. VIII 182; Miss. XII 241.)

Arson or burglary, unless pardoned by governor. (S.C. II 6.)

Assault and battery on wife, or murder. (Ala. VIII 182.)

Betting, *See above, this subdivision*, BETTING ON ELECTION AS DISQUALIFICATION.

Bigamy, *See above, this subdivision*, BIGAMY AS DISQUALIFICATION.

Breach of trust with fraudulent intent, fornication, housebreaking or wife beating, unless pardoned by governor. (S.C. II 6.)

Bribery, *See above, this subdivision*, BRIBERY AS DISQUALIFICATION.

Conviction of person over 21 disfranchises. (Md. I 2.)

Conviction of such high misdemeanor as legislature may declare shall disfranchise, disfranchises unless restored to civil rights by executive pardon; not to apply to school district elections. (Ky. 145, 155.)

Conviction of crime which excludes one from being witness, disfranchises, unless pardoned or restored. (N.J. II 1.)

Crime punishable in state prison, *See below, this subdivision*, INFAMOUS CRIME AS DISQUALIFICATION.

Defrauding United States or any state disfranchises until disability removed by law passed by two-thirds vote of all members of both houses of legislature. (Kan. V 2.)

Dueling, *See below, this subdivision*, DUELING AS DISQUALIFICATION.

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS. (*Cont'd*)

Crime as Disqualification (*Cont'd*)

Election crime, *See below, this subdivision*, ELECTION CRIME AS DISQUALIFICATION.

Embezzlement, *See below, this subdivision*, EMBEZZLEMENT AS DISQUALIFICATION.

Felony, *See below, this subdivision*, FELONY AS DISQUALIFICATION.

Forgery, *See below, this subdivision*, FORGERY AS DISQUALIFICATION.

Fraudulent bankruptcy. (Conn. VI 3.)

Incest, miscegenation, receiving stolen goods, living in adultery, rape, robbery, assault with intent to rob, or sodomy or crime against nature. (Ala. VIII 182.)

Incest, miscegenation, receiving stolen goods, adultery, assault with intent to ravish, robbery or sodomy, unless pardoned by governor. (S.C. II 6.)

Infamous crime, *See below, this subdivision*, INFAMOUS CRIME AS DISQUALIFICATION.

Larceny, *See below, this subdivision*, LARCENY AS DISQUALIFICATION.

Legislature may disfranchise for crime. (Del. V 2.)

Legislature to disfranchise for high crimes. (Cal. XX 11; Tex. XVI 2.)

Malfeasance in office. (Ala. VIII 182; Cal. XX 11.)

Malfeasance in office unless pardoned. (Ga. II 2.)

Obtaining goods by false pretenses, *See below, this subdivision*, FALSE PRETENSES AS DISQUALIFICATION.

Perjury, *See below, this subdivision*, PERJURY AS DISQUALIFICATION.

Persons disqualified for crime before adoption of constitution whose disabilities have not been removed to remain disqualified. (Va. II 23.)

Persons disqualified for crime before ratification of constitution to remain disqualified. (Ala. VIII 182.)

Prisoners, *See below, this subdivision*, PRISONERS.

Restoration of franchise to be by two-thirds vote of members of both houses of legislature. (Conn. Amend. XVII.)

Restoration of franchise to be by two-thirds vote of both houses of legislature; reasons to be spread on journal and vote to be by yeas and nays. (Miss. XII 253.)

State officers and district judges may on conviction on impeachment be disfranchised. (N.M. IV 36.)

Treason, *See below, this subdivision*, TREASON AS DISQUALIFICATION.

Vagrants or tramps, conviction as, disfranchises. (Ala. VIII 182.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Date of Qualifications

Age, *See below, this title*, REGISTRATION — MINORS.

At election, not at registration. (Va. II 26.)

Residence, *See below, this subdivision*, RESIDENCE.

Decisions as to

Proofs, *See below, this subdivision*, PROOFS.

By selectmen and town clerks at such times and in such manner as prescribed by law. (Conn. VI 5.)

Dueling as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

Fighting, challenging or aiding in duels, in or out of state, disfranchises. (Cal. XX 2; Miss. III 19; Tex. XVI 4.)

Conviction disfranchises. (Conn. VI 3.)

Fighting, challenging or aiding in duels, in or out of state, disfranchises; legislature to provide for giving force to provision. (Nev. XV 3.)

Fighting, challenging or aiding in duels, in or out of state, after adoption of constitution, disfranchises; legislature may by two-thirds vote remove disability. (Va. II 23, IV 57.)

Participation, directly or indirectly, disfranchises. (Wis. XIII 2.)

Legislature to disfranchise persons duly convicted of fighting or participating in duels. (Fla. VI 5.)

Educational

Legislature may establish, but elector qualified in 1890 not to be thereby disqualified. (Colo. VII 3.)

Legislature to establish. (N.D. V 127.)

Right to vote not to be restricted, abridged or impaired on account of inability to speak, read or write English or Spanish, except as provided in constitution. (N.M. VII 3.)

As alternative to property qualification, ability to read and write any article of United States Constitution in English unless prevented by physical disability required in addition to employment for greater part of preceding year, unless physically unable to work. (Ala. VIII 181.)

As alternative to property qualification or registration under constitution of 1898 or amendment of 1912, ability to read and write required; proof at registration. (La. 197–3.)

Ability to read constitution in English and to write name required, unless prevented by physical disability; not to apply to persons having right to vote or 60 years old in 1911. (Cal. II 1.)

Ability to read any article of state constitution or any section of state statutes in English, required. (Conn. Amend. XXIX.)

Ability to read constitution in English and write name required unless prevented by physical disability. (Del. V 2.)

Ability to read constitution in English and to write name required unless prevented by physical disability; not to apply to persons 60 years old in 1893. (Me. Amend. XXIX.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Educational (*Cont'd*)

Ability to read constitution in English and to write name required unless prevented by physical disability; not to apply to persons having right to vote or 60 years old in 1857. (Mass. Amend. XX.)

Ability to read or to explain any section of constitution required. (Miss. XII 244.)

Ability to read constitution in English and to write, unless prevented by physical disability, required; not to apply to persons having right to vote in 1912 nor to persons 60 years old, January 1, 1904. (N.H. I 11.)

Ability to read and write any section of constitution in English required, except of persons or descendants of persons entitled to vote in state of residence January 1, 1867, and registered before December 1, 1908. (N.C. VI 4.)

Ability to read and write any section of constitution required, except of persons or descendants of persons having right to vote or residing in foreign nation January 1, 1866; enforcement by election officers. (Okla. III 4a.)

Ability to read and write any section of constitution required, except of persons registered before January 1, 1898. (S.C. II 4.)

Ability to read and speak English required; legislature to enact law for ascertaining. (Wash. VI 1.)

Ability to read constitution unless prevented by physical disability. (Wyo. VI Suffrage 9.)

Election Crime as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

Conviction of selling or offering to sell vote, of making or offering to make false election or primary returns, or of suborning witness or registrar to secure registration of any person as elector, disfranchises. (Ala. VIII 182.)

Conviction in any place of selling or offering to sell, or buying or offering to buy vote, disfranchises unless restored to civil rights. (Ida. VI 3.)

Conviction of giving or causing to be given illegal vote disfranchises; legislature may remove penalty from vote seller. (Md. I 3.)

Persons temporarily or permanently disqualified by law because of corrupt practices excepted from right to vote. (Mass. Amend. XL.)

Person convicted of wilful violation of election laws in addition to penalties provided by law, deprived of right of suffrage for four years. (Pa. VIII 9.)

Crime against election laws, unless pardoned by governor. (S.C. II 6.)

Crime against elective franchise. (Utah IV 6.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Election Crime as Disqualification (*Cont'd*)

Legislature may disfranchise persons convicted of misdemeanor connected with exercise of right of suffrage. (Mo. VIII 10.)

Legislature may disfranchise persons convicted of corrupt practices. (Va. II 36.)

Embezzlement as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

Conviction disfranchises. (Ala. VIII 182; Miss. XII 241.)

Conviction within or without state disfranchises. (Va. II 23.)

Conviction of embezzlement or misappropriation of public funds, disfranchises. (Cal. II 1.)

Conviction of embezzlement of public funds disfranchises unless pardoned. (Ga. II 2.)

Conviction of embezzlement of public funds in any place disfranchises, unless restored to civil rights. (Ida. VI 3.)

Establishment

Change, *See above, this subdivision,* CHANGE.

Frame of government to establish. (Mass. Pt. I 9.)

Laws to establish qualifications for electors at school elections. (Ariz. VII 8.)

No member of state to be disfranchised unless by law of land or judgment of peers. (Minn. I 2; N.Y. I 1.)

No citizen of state to be disfranchised unless by due course of law of land. (Tex. I 19.)

Existing Electors

Freemen before ratification of constitution to be electors. (Conn. VI 1.)

On April 1, 1848, qualified. (Ill. VII 1.)

Male inhabitants residing in state June 24, 1835, or January 1, 1850, qualified. (Mich. III 1.)

In 1889 not to be deprived of right, except that after five years only citizens may vote. (Mont. IX 2.)

Under laws of territory of Dakota at ratification of constitution qualified. (S.D. VII 1.)

In 1910, rights not affected by amendment. (Wash. VI 1.)

In 1889 not to be deprived of right, unless idiots, insane or convicted of infamous crimes. (Wyo. VI Suffrage 10.)

False Pretenses as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

Conviction disfranchises. (Ala. VIII 182; Miss. XII 241.)

Conviction disfranchises unless pardoned by governor. (S.C. II 6.)

Conviction within or without state disfranchises. (Va. II 23.)

Felony as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

Conviction disfranchises. (Del. V 2; W.Va. IV 1.)

Conviction within or without state disfranchises. (Va. II 23.)

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Felony as Disqualification (*Cont'd*)
Conviction disfranchises, unless restored to civil rights. (Ariz. VII 2; Kan. V 2; Minn. VII 2; N.D. V 127; S.D. VII 8; Wis. III 2.)
Conviction in court of record disfranchises, unless restored to civil rights. (Fla. VI 4.)
Conviction in any place disfranchises unless restored to civil rights. (Ida. VI 3.)
Conviction disfranchises, unless restored to civil rights by executive pardon; not to apply to school district elections. (Ky. 145, 155.)
Conviction disfranchises, unless pardoned. (Mont. IX 2.)
Conviction under laws of state and United States disfranchises, unless restored to civil rights. (Nebr. VII 2.)
Conviction in any state or territory disfranchises, unless restored to civil rights. (Nev. II 1.)
Conviction disfranchises, unless restored to political rights. (N.M. VII 1.)
Conviction, after adoption of constitution, subject to exceptions made by legislature, disfranchises, unless restored to civil rights in manner provided by law. (Okla. III 1.)
Conviction, subject to exceptions made by legislature, disfranchises. (Tex. VI 1.)
Legislature may disfranchise persons convicted. (Ark. Amend. IX; Mo. VIII 10.)
Forgery as Disqualification
See also above, this subdivision, CRIME AS DISQUALIFICATION.
Conviction disfranchises. (Ala. VIII 182; Conn. VI 3; Miss. XII 241.)
Conviction within or without state disfranchises. (Va. II 23.)
Conviction disfranchises; unless pardoned by governor. (S.C. II 6.)
Legislature to disfranchise persons convicted. (Cal. XX 11; Tex. XVI 2.)
Fornication, *See above, this subdivision*, CRIME AS DISQUALIFICATION.
Fraudulent Bankruptcy, *See above, this subdivision*, CRIME AS DISQUALIFICATION.
Guardianship, *See below, this subdivision*, PERSONS UNDER GUARDIANSHIP.
Housebreaking, *See above, this subdivision*, CRIME AS DISQUALIFICATION.
Idiocy as Disqualification
See also below, this subdivision, INCOMPETENCY AS DISQUALIFICATION.
See also below, this subdivision, INSANITY AS DISQUALIFICATION.
See also below, this subdivision, PERSONS UNDER GUARDIANSHIP.
Inmates of institutions, *See below, this subdivision*, INMATES OF INSTITUTIONS.

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Idiocy as Disqualification (*Cont'd*)

Disqualifies for privileges of electors. (Ark. III 5; Cal. II 1; Iowa II 5; Nev. II 1; Ohio V 6; Ore. II 3.)

Disqualifies for voting. (Ala. VIII 182; Del. V 2; Ga. II 2; Ida. VI 3; Ky. 145; Miss. XII 241; Mont. IX 8; N.J. II 1; N.M. VII 1; Okla. III 1; S.C. II 6; Tex. VI 1; Utah IV 6; Va. II 23; Wash. VI 3; Wyo. VI Suffrage 6.)

Notoriously idiotic persons whether interdicted or not, disqualified for voting. (La. 202.)

Incest, *See above, this subdivision,* CRIME AS DISQUALIFICATION.

Incompetency as Disqualification

See also below, this subdivision, PERSONS UNDER GUARDIANSHIP.

Disqualifies for voting. (Ariz. VII 2; Fla. VI 4; Kan. V 2; Md. I 2; Minn. VII 2; Nebr. VII 2; N.D. V 127; R.I. II 4; S.D. VII 8; Wis. III 2.)

Idiocy, *See above, this subdivision,* IDIOCY AS DISQUALIFICATION.

Inmates of institutions, *See below, this subdivision,* INMATES OF INSTITUTIONS.

Insanity, *See below, this subdivision,* INSANITY AS DISQUALIFICATION.

Indians

See also below, this title, RACE OR COLOR.

Civilized male Indians, natives of United States and not members of tribes, qualified. (Mich. III 1.)

Civilized persons of Indian descent who have severed tribal relations two years, qualified to vote. (N.D. V 121.)

Civilized persons of Indian descent, not members of tribes, qualified; once declared by Congress to be citizens, qualified notwithstanding any later law of Congress. (Wis. III 1.)

Civilized persons of mixed white and Indian blood qualified; if of pure Indian blood, to be examined by district court in manner provided by law and if pronounced capable of enjoying rights of citizenship within state, qualified. (Minn. VII 1.)

Natives of United States qualified. (Okla. III 1.)

Narragansett tribe, members disqualified. (R.I. II 4.)

Not taxed, disqualified. (Me. II 1; Miss. XII 241; N.M. VII 1; Wash. VI 1.)

Not taxed who have not severed tribal relations and adopted habits of civilization, disqualified. (Ida. VI 3.)

Infamous Crime as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

For a particular crime, See the specific subhead.

Conviction of infamous crime, crime punishable by imprisonment in penitentiary or involving moral turpitude, disfranchises. (Ala. VIII 182.)

Conviction disfranchises. (Cal. II 1; Iowa II 5.)

Conviction of offense, for which infamous punishment inflicted, disfranchises. (Conn. VI 3.)

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Infamous Crime as Disqualification (*Cont'd*)
Conviction of crime involving moral turpitude, punishable by imprisonment in penitentiary, disfranchises, unless pardoned. (Ga. II 2.)
Conviction in any place disfranchises unless restored to civil rights. (Ida. VI 3.)
Conviction of crime punishable by imprisonment in penitentiary disfranchises, unless pardoned with express restoration of franchise. (La. 202.)
Conviction disfranchises unless restored to political rights. (N.M. VII 1.)
Conviction or confession in open court on indictment of crime punishable by imprisonment in state's prison disfranchises unless restored to civil rights. (N.C. VI 2.)
Conviction of crime punishable by imprisonment in penitentiary disfranchises. (Ore. II 3.)
Conviction of crime deemed infamous at common law disfranchises, until privilege expressly restored by legislature. (R.I. II 4.)
Conviction by jury of infamous crime, previously declared by law and judgment thereon, the only ground for disfranchisement. (Tenn. I 5.)
Conviction disfranchises unless restored to civil rights. (Wash. VI 3; Wyo. VI Suffrage 6.)
Legislature may disfranchise persons convicted. (Ind. II 8; Minn. IV 15; Mo. VIII 10; Ohio V 4; Tenn. IV 2; Wis. III 6.)
Legislature to disfranchise persons convicted. (Fla. VI 5; Ill. VII 7; N.Y. II 2.)
After conviction, right to vote not to be restored by local or special law. (Ala. IV 104.)
Inmates of Institutions
Inmates of charitable institutions, except soldiers' home, disqualified. (La. 202.)
Inmates of poorhouses or other asylums supported at public expense, disqualified. (Mo. VIII 8.)
Inmates of poorhouses or other asylums supported at public expense, except Federal and Confederate ex-soldiers, disqualified. (Okla. III 1.)
Idiots, *See above, this subdivision*, IDIOCY AS DISQUALIFICATION.
Insane persons, *See below, this subdivision*, INSANITY AS DISQUALIFICATION.
Paupers, *See below, this subdivision*, PAUPERS.
Prisoners, *See below, this subdivision*, PRISONERS.
Residence, *See below, this subdivision*, RESIDENCE.
Insanity as Disqualification
See also above, this subdivision, IDIOCY AS DISQUALIFICATION.
See also above, this subdivision, INCOMPETENCY AS DISQUALIFICATION.

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Insanity as Disqualification (*Cont'd*)

See also below, this subdivision, PERSONS UNDER GUARDIANSHIP.

Inmates of institutions, *See above, this subdivision,* INMATES OF INSTITUTIONS.

Disqualifies for privileges of electors. (Ark. III 5; Cal. II 1; Iowa II 5; Nev. II 1; Ohio V 6; Ore. II 3.)

Disqualifies for voting. (Ala. VIII 182; Ariz. VII 2; Del. V 2; Fla. VI 4; Ga. II 2; Ida. VI 3; Kan. V 2; Ky. 145; Md. I 2; Minn. VII 2; Miss. XII 241; Mont. IX 8; N.J. II 1; N.M. VII 1; N.D. V 127; Okla. III 1; R.I. II 4; S.C. II 6; S.D. VII 8; Tex. VI 1; Utah IV 6; Va. II 23; Wash. VI 3; Wis. III 2; Wyo. VI Suffrage 6.)

Notoriously insane persons, whether interdicted or not, disqualified for voting. (La. 202.)

Persons of unsound mind not permitted to vote. (W.Va. IV 1.)

Interdicted Persons, *See below, this subdivision,* PERSONS UNDER GUARDIANSHIP.

Larceny as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

Conviction disfranchises. (Ala. VIII 182; Conn. VI 3; Miss. XII 241.)

Conviction disfranchises if person over 21 at time. (Md. I 2.)

Conviction disfranchises, unless pardoned. (Ga. II 2.)

Conviction disfranchises, unless pardoned by governor. (S.C. II 6.)

Conviction of petit larceny within or without state disfranchises. (Va. II 23.)

Legislature to disfranchise persons convicted. (Fla. VI 5.)

Legislature may disfranchise persons convicted. (Wis. III 6.)

Laws Establishing, *See above, this subdivision,* ESTABLISHMENT.

Malfeasance in Office, *See above, this subdivision,* CRIME AS DISQUALIFICATION.

Mental Defect as Disqualification

Idiocy, *See above, this subdivision,* IDIOCY AS DISQUALIFICATION.

Incompetency, *See above, this subdivision,* INCOMPETENCY AS DISQUALIFICATION.

Insanity, *See above, this subdivision,* INSANITY AS DISQUALIFICATION.

Miscegenation, *See above, this subdivision,* CRIME AS DISQUALIFICATION.

Miscellaneous

As alternative to property qualification, regular work in lawful employment for greater part of preceding year unless physically unable to work in addition to an educational qualification required. (Ala. VIII 181.)

Good moral character required. (Conn. Amend. VIII.)

Person belonging or contributing to order, corporation or so-

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Miscellaneous (*Cont'd*)
ciety teaching or advising that laws of this state prescribing rules of civil conduct are not supreme law of state, disqualified. (Ida. VI 3.)
Person who is bigamist or polygamist or living in what is known as patriarchal, plural or celestial marriage or in violation of law of state or United States forbidding such crime, or who teaches, aids or encourages any person to enter into such marriage or who is a member of or contributes to support of any order, corporation or society teaching, encouraging or aiding persons to enter into such marriage, disqualified. (Ida. VI 3.)
Persons dishonorably discharged from service of United States unless reinstated, disqualified. (Kan. V 2.)
Freemen having an interest in and an attachment to community qualified to be electors under regulations of constitution. (Vt. I 8.)
Quiet and peaceable behavior required. (Vt. II 34.)
Men having sufficient evidence of permanent common interest in and attachment to, the community, qualified. (Va. I 6.)
Political test oath as qualification prohibited. (W.Va. III 11.)
For Municipal Elections
Electors of city may vote for any civil officer required by constitution to be elected in their respective wards. (Me. IV Pt. I 5.)
Same as for general elections and additional as provided by law. (Miss. XII 245.)
Payment of taxes during previous year on property assessed $134 or more required to vote for city council or on proposition to impose tax or for expenditure of money in town or city. (R.I. Amend. VII 1.)
Same as for general elections; in addition, residence four months within corporate limits, and payment of taxes due for preceding year. (S.C. II 12.)
Qualified electors in state, resident for six months in city or town qualified to vote for mayor and other elective officers. (Tex. VI 3.)
Legislature may prescribe property qualification not exceeding $250 for voters in county or subdivision thereof, or city or town, as prerequisite for voting in any election for officers other than members of legislature, to be wholly elected by voters of such county or subdivision or city or town; such action, if taken, to be on initiative of representative in legislature of county, city or town affected; legislature may make such exemptions from qualifications as are not inconsistent with Constitution of United States. (Va. II 30.)
Registration, *See below, this title*, REGISTRATION.

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Murder, *See above, this subdivision*, CRIME AS DISQUALIFICATION.

Negroes, *See below, this subdivision*, RACE OR COLOR.

Non Compos Mentis, *See above, this subdivision*, INCOMPETENCY AS DISQUALIFICATION.

Oaths, *See above, this title*, OATHS.

Obtaining Goods by False Pretenses, *See above, this subdivision*, FALSE PRETENSES AS DISQUALIFICATION.

Paupers

See also below, this subdivision, PROPERTY.

In institutions, *See above, this subdivision*, INMATES OF INSTITUTIONS.

Disqualified for voting. (Del. V 2; Me. II 1; N.J. II 1; R.I. II 4; S.C. II 6; Va. II 23; W.Va. IV 1.)

Disqualified for voting for governor, lieutenant-governor, senators and representatives. (Mass. Amend. III.)

Supported by county, disqualified for voting. (Tex. VI 1.)

Perjury as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

Conviction disfranchises. (Conn. VI 3; Miss. XII 241.)

Conviction within or without state disfranchises. (Va. II 23.)

Conviction disfranchises; unless pardoned by governor. (S.C. II 6.)

Conviction of perjury or subornation of perjury disfranchises. (Ala. VIII 182.)

Legislature to disfranchise persons convicted. (Cal. XX 11; Fla. VI 5; Tex. XVI 2.)

Legislature may disfranchise persons convicted. (Minn. IV 15; Ohio V 4.)

Persons under Guardianship

Interdicted persons not permitted to register or vote. (La. 202.)

Disqualified for voting. (Ariz. VII 2; Fla. VI 4; Ida. VI 2; Kan. V 2; Me. II 1; Mass. Amend. III; Minn. VII 2; N.D. V 127; R.I. II 4; S.D. VII 8; Wis. III 2.)

Idiots, *See above, this subdivision*, IDIOCY AS DISQUALIFICATION.

Incompetents, *See above, this subdivison*, INCOMPETENCY AS DISQUALIFICATION.

Insane persons, *See above, this subdivision*, INSANITY AS DISQUALIFICATION.

Poll Taxes

See also below, this subdivision, TAXES.

Legislature may make payment of capitation tax a prerequisite for voting. (Fla. VI 8; Nev. II 7.)

Non-payment not to deprive honorably discharged war veterans of United States army or navy of vote. (Mass. Amend. XXXI.)

Payment not to be required of soldiers or sailors. (Nev. II 3.)

Payment or advance of another's poll tax to influence vote declared bribery; on conviction, imprisonment of one to five years. (Ala. VIII 195.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Poll Taxes (*Cont'd*)

Payment or advance of another's poll tax to influence vote declared bribery (La. 198.)

Payment before February 1st of poll taxes due for 1901 and each subsequent year required. (Ala. VIII 178, 194.)

Payment at time of collecting taxes preceding election required; evidence to be presented; exception for persons having attained 21 since time of assessment; tax receipt to be so marked by judges of election as to prevent holder from voting more than once at any election. (Ark. Amend. IX.)

Payment on or before December 31st for two years preceding, of tax of $1 per annum required unless over 60, deaf and dumb or blind. If under 23, payment of poll taxes assessed sufficient. Poll tax receipts to be shown to commissioners of elections; detailed provisions, in case of loss, for duplicate or proof by certificate; alteration of receipt forgery. (La. 198.)

Uniform tax imposed on male inhabitants between 21 and 60 except deaf and dumb and those maimed by loss of hand or foot, amount $2, may be raised to $3, in any county; use only for common schools; to be lien only on taxable property; no criminal proceedings to enforce collection. (Miss. XII 243.)

Payment on or before May 1st required. (N.C. VI 4.)

Assessment of tax of $1, or such sum as with other taxes amounts to $1 on all persons qualified, if registered, to vote; use of proceeds for schools; remission to persons who have performed military duty for the year, and on application to mariners for any year while at sea and to persons unable to pay from extreme poverty; legislature to provide for collection. (R.I. Amend. VII 2.)

Payment six months before election required. (S.C. II 4.)

Payment for such period and at such time as legislature prescribes required; elector to give judges of election satisfactory evidence of payment. (Tenn. IV 1.)

Payment before February 1st preceding election by all subject to poll tax under law required; possession of receipt necessary; detailed provisions as to proof in case of loss of receipt; legislation not needed to enact this provision. (Tex. VI 2.)

Payment for three preceding years required (or on coming of age $1.50) except for veterans of Civil war on either side; detailed provisions as to evidence of payment and posting of lists; legislature may prescribe further evidence as prerequisite. (Va. II 18, 20, 22, 38.)

Previous Condition of Servitude

See also below, this subdivision, RACE OR COLOR.

Law not to restrict or abridge right to vote, on account of previous condition of servitude. (Ariz. XX "Seventh"; N.M. XXI 5; Okla. I 6.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Previous Condition of Servitude (*Cont'd*)

Right to vote not to be withheld from male citizen of United States on account of previous condition of servitude. (Nev. XVIII 1.)

For Primaries, *See above, this title*, PRIMARIES.

Prisoners

See also above, this subdivision, CRIME AS DISQUALIFICATION.

See also above, this subdivision, INMATES OF INSTITUTIONS.

In confinement under judgment of court for penal offense disqualified. (Ky. 145.)

In public prisons disqualified. (La. 202; Mo. VIII 8; Okla. III 1; S.C. II 6.)

In public prisons on conviction of criminal offense disqualified. (Ida. VI 3.)

In public prisons disqualified but if qualified before imprisonment, he shall on release by pardon or by service of full term, be invested with all rights of citizenship, except as otherwise provided in constitution. (Colo. VII 10.)

Proofs

Decision, *See above, this subdivision*, DECISIONS AS TO.

Answer on oath questions as to qualifications submitted by registration officers required. (Va. II 20.)

Certificate of registration before January 1, 1898, to establish right to franchise. (S.C. II 4.)

Legislature may prescribe nature of evidence to be required as to qualifications. (R.I. II 6.)

Legislature may prescribe other or further rules or oaths necessary as test of electoral qualifications. (Nev. II 6.)

Legislature to provide for ascertainment of citizens qualified as electors. (Kan. V 4; Nev. II 6; N.Y. II 4.)

Property

For municipal elections, *See above, this subdivision*, MUNICIPAL ELECTIONS.

Paupers, *See above, this subdivision*, PAUPERS.

Taxes, *See below, this subdivision*, TAXES.

Qualification ought not to affect right to vote. (N.C. I 22.)

Qualification prohibited. (Cal. I 24; Kan. B.R. 7; Minn. I 17.)

Qualification prohibited except as provided in constitution. (Utah I 4.)

Qualification prohibited except in elections levying special tax or creating indebtedness. (Utah IV 7.)

Qualification prohibited except in school elections and elections creating indebtedness. (Ida. I 20.)

As alternative to educational and work qualification, ownership in self or wife of 40 acres on which they reside; or of real or personal property in state assessed at $300 or more, providing taxes for preceding year have been paid (unless assessment legally contested and undetermined) required. (Ala. VIII 181.)

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Property (*Cont'd*)
As alternative to educational qualification or registration under constitution of 1898 or amendment of 1912, ownership of property in state assessed at $300 and on which, if personal, taxes have been paid, required. (La. 197 (4).)
Male citizen of U. S. 21 years old who has had residence and home in state for one year, and in town or city in which he may claim right to vote, six months next preceding time of voting, and who is "really and truly" possessed in own right of real estate in such town or city of the value of $134 over and above incumbrances, or which rents for $7 a year over and above rent reserved or interest of any incumbrances thereon, being estate in fee-simple, fee-tail, for life of person, or estate in reversion or remainder, which qualifies no other person to vote, conveyance of which estate if by deed has been recorded at least 90 days, may vote in election of all civil officers and on all questions in legal town or ward meetings so long as he continues qualified. If he owns such estate within state out of town or city of residence he may vote in election of general officers and members of legislature in town or city where he has had residence and home for six months next preceding election, on producing certificate from clerk of town or city where estate lies, dated within 10 days of time of voting, setting forth that he has sufficient estate therein to qualify him as voter and that deed, if any, has been recorded 90 days (apparently this is an alternative to personal registry). (R.I. II 1.)
Ownership of property in state assessed at $300 or over required if not registered before January 1, 1898. (S.C. II 4.)
Ownership of property on which in preceding year $1 tax paid, required for permanent registration in 1902 and 1903. (Va. II 19.)
Public Aid
Institutions, *See above, this subdivision*, INMATES OF INSTITUTIONS.
Paupers, *See above, this subdivision*, PAUPERS.
Not to deprive honorably discharged war veterans of United States army or navy of right to vote. (Mass. Amend. XXXI.)
Race or Color
Indians, *See above, this subdivision*, INDIANS.
Previous condition, *See above, this subdivision*, PREVIOUS CONDITION OF SERVITUDE.
Chinese disqualified. (Ore. II 6.)
Chinese, natives of China, disqualified. (Cal. II 1.)
Chinese or persons of Mongolian descent not born in United States disqualified. (Ida. VI 3.)
Color qualification removed. (Conn. Amend. XXIII.)
Law not to restrict, abridge or impair right to vote on account of race or color. (Ariz. XX Seventh; N.M. VII 3, XXI 5; Okla. I 6; Wyo. I 3.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Race or Color (*Cont'd*)

Laws affecting political rights and privileges to be without distinction of race. (Wyo. I 3.)

Right to vote not to be withheld from male citizen of United States on account of color. (Nev. XVIII 1.)

Negroes and mulattoes not to have right of suffrage. (Ore. II 6.)

White persons qualified. (Kan. V 1; Ohio V 1.)

Rebellion as Disqualification

See also below, this subdivision, TREASON AS DISQUALIFICATION.

Persons who have voluntarily borne arms against United States or aided in attempted overthrow of government (except those having been honorably discharged from military service of United States since April 1, 1861, after at least one year's service) disqualified until disability removed by law passed by two-thirds vote of both branches of legislature. (Kan. V 2.)

Receiving Stolen Goods, *See above, this subdivision*, CRIME AS DISQUALIFICATION.

Registration, *See below, this title*, REGISTRATION.

Religious

Political rights not to be denied on account of religious belief. (Ill. II 3.)

Political rights, privileges and capacities not to be diminished or enlarged on account of religious belief. (Mich. II 3.)

Right to vote not to be abridged, restricted or impaired on account of religious belief. (N.M. VII 3.)

Test oaths prohibited. (W.Va. III 11.)

Tests prohibited. (Ark. II 26; Kan. B.R. 7; Mich. II 3; Minn. I 17; Utah I 4.)

Residence

See also RESIDENCE.

Absent Electors, See above, this title, ABSENT ELECTORS.

For Municipal Elections, See above, this subdivision, FOR MUNICIPAL ELECTIONS.

Removal from Election District, See below, this subdivision, TIME REQUIREMENT.

During War, See below, this title, DURING WAR.

On Indian Lands

Within state, entitles electors to vote at polls nearest their residence; provided no person to vote for county officers out of county of residence. (Wis. XIII 5.)

On Lands Ceded to United States

Not to entitle persons to vote. (R.I. II 5.)

Gaining

Honorably discharged soldiers, marines and seamen having served in forces of United States or of state, residing in soldiers' homes may gain residence for voting. (Mich. III 2.)

Not gained while confined in public jail or prison. (Ariz. VII 2.)

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Residence (*Cont'd*)
Gaining (*Cont'd*)
Not gained while confined in public prison. (Cal. II 4; Colo. VII 4; Kan. V 3; Mich. III 2; Mo. VIII 7; Mont. IX 3; Nev. II 2; N.Y. II 3; Ore. II 4; Wash. VI 4.)
Not gained while inmate of almshouse or asylum at public expense. (Ariz. VII 3; Cal. II 4; Colo. VII 4; Ida. VI 5; Kan. V 3; Mich. III 2; Mo. VIII 7; Mont. IX 3; Nev. II 2; Ore. II 4; Pa. VIII 13; Wash. VI 4.)
Not gained while inmate of almshouse or asylum or institution wholly or partly supported at public expense or by charity. (N.Y. II 3.)
Not gained while inmate of charitable institution. (Va. II 24.)
Not gained while navigating waters of state or United States. (Ida. VI 5.)
Not gained while navigating waters of state or United States or high seas. (Cal. II 4; Kan. V 3; La. 208; Mich. III 2; Mo. VIII 7; N.Y. II 3; Ore. II 4; Pa. VIII 13; S.C. II 7; Wash. VI 4.)
Not gained while navigating waters of United States or high seas. (Nev. II 2.)
Not gained while on state business. (Ida. VI 5.)
Not gained while in state civil or military service. (Colo. VII 4; La. 208; Mo. VIII 7; Pa. VIII 13; Wash. VI 4.)
Not gained while in state military, naval or marine service by being stationed in garrison, barrack or military place in state. (Me. II 1.)
Not gained while in state service. (Mich. III 2; Mont. IX 3; N.M. VII 4; Ore. II 4.)
Not gained while student at institution of learning. (Ariz. VII 3; Cal. II 4; Colo. VII 4; Ida. VI 5; Kan. V 3; La. 208; Me. II 1; Mich. III 2; Mo. VIII 7; Mont. IX 3; Nev. II 2; N.M. VII 4; N.Y. II 3; Ore. II 4; Pa. VIII 13; S.C. II 7; Va. II 24; Wash. VI 4.)
Not gained while in United States or allies' army or navy as soldier, seaman or marine, by being stationed in state. (Ind. II 3; Ore. II 5.)
Not gained while in United States army or navy as officer, soldier, seaman or marine by being stationed in state. (Va. II 24.)
Not gained while in United States army or navy as soldier, sailor or marine by being stationed at military or naval place in state. (Ariz. VII 6; Mich. III 3; Mont. IX 6.)
Not gained while in United States army or navy as soldier, sailor or marine by being stationed in state. (Ill. VII 5; Minn. VII 4; Nebr. VII 4; N.D. V 126; S.D. VII 7; Wis. III 5; Wyo. VI Suffrage 8.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Residence (*Cont'd*)

Gaining (*Cont'd*)

Not gained while in United States military or naval service as soldier, sailor or marine by being stationed in state. (Ark. III 7; Ga. II 1.)

Not gained while in United States military, naval or marine service by being stationed in garrison, barrack or military place in state. (Me. II 1.)

Not gained while in United States military, naval or marine service by being stationed in garrison, barrack, military or naval place. (Iowa II 4.)

Not gained while in United States military, naval or marine service by being stationed in garrison, military or naval station in state. (Ohio V 5.)

Not gained while in United States military, naval or marine service by being stationed in state. (Del. V 2; N.J. II 1; W.Va. IV 1.)

Not gained while in United States military, naval or marine service by being stationed in state; not to apply to school district elections. (Ky. 146, 155.)

Not gained while in United States regular army or navy by being stationed in state. (Okla. III 2.)

Not gained while in United States service by being employed in garrison, barrack, military or naval station in state. (R.I. II 4.)

Not gained while in United States service as soldier, sailor or marine by being stationed or doing duty in state. (La. 175.)

Not gained while on United States business. (Ida. VI 5; Kan. V 3.)

Not gained while in United States civil or military service. (Colo. VII 4; La. 208; Mo. VIII 7; Pa. VIII 13; Wash. VI 4.)

Not gained while in United States service. (Ariz. VII 3; Cal. II 4; Mich. III 2; Mont. IX 3; Nev. II 2; N.M. VII 4; N.Y. II 3; Ore. II 4; S.C. II 7.)

Loss

Not lost while confined in public jail or prison. (Ariz. VII 3.)

Not lost while confined in public prison. (Cal. II 4; Colo. VII 4; Kan. V 3; Mich. III 2; Minn. VII 3; Mo. VIII 7; Mont. IX 3; Nev. II 2; N.Y. II 3; Ore. II 4; Wash. VI 4.)

Not lost while inmate of almshouse or asylum. (Minn. VII 3.)

Not lost while inmate of almshouse or asylum at public expense. (Ariz. VII 3; Cal. II 4; Colo. VII 4; Ida. VI 5; Kan. V 3; Mich. III 2; Mo. VIII 7; Mont. IX 3; Nev. II 2; Ore. II 4; Pa. VIII 13; Wash. VI 4.)

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Residence (*Cont'd*)
Loss (*Cont'd*)
Not lost while inmate of almshouse or asylum or institution wholly or partly supported at public expense or by charity. (N.Y. II 3.)
Not lost while inmate of charitable institution. (Va. II 24.)
Not lost while navigating waters of state or United States. (Ida. VI 5; Minn. VII 3.)
Not lost while navigating waters of state or United States or high seas. (Cal. II 4; Kan. V. 3; La. 208; Mich. III 2; Mo. VIII 7; N.Y. II 3; Ore. II 4; Pa. VIII 13; S.C. II 7; Wash. VI 4.)
Not lost while navigating waters of United States or high seas. (Nev. II 2.)
Not lost while on state business. (Ida. VI 5; Ill. VII 4; Ind. II 4; N.D. V 125; S.D. VII 6; Tex. XVI 9; Wis. III 4; Wyo. VI 7.)
Not lost while in state civil or military service. (Colo. VII 4; La. 208; Mo. VIII 7; Pa. VIII 13; Wash. VI 4.)
Not lost while in state military service. (Me. II 1.)
Not lost while in state military or naval service. (Ill. VII 4; N.D. V 125.)
Not lost while in state service. (Mich. III 2; Mont. IX 3; N.M. VII 4; Ore. II 4.)
Not lost while student in institution of learning. (Ariz. VII 3; Cal. II 4; Colo. VII 4; Ida. VI 5; Kan. V 3; La. 208; Mich. III 2; Minn. VII 3; Mo. VIII 7; Mont. IX 3; Nev. II 2; N.M. VII 4; N.Y. II 3; Ore. II 4; Pa. VIII 13; S.C. II 7; Va. II 24; Wash. VI 4.)
Not lost while on United States business. (Ida. VI 5; Ill. VII 4; Ind. II 4; Kan. V 3; N.D. V 125; S.D. VII 6; Tex. XVI 9; Wis. III 4; Wyo. VI Suffrage 7.)
Not lost while in United States civil or military service. (Col. VII 4; La. 208; Mo. VIII 7; Pa. VIII 13; Wash. VI 4.)
Not lost while in United States military service. (Me. II 1.)
Not lost while in United States military or naval service. Okla. III 2; S.D. VII 6; Wyo. VI 7.)
Not lost while in United States service. (Ariz. VII 3; Cal II 4; Mich. III 2; Minn. VII 3; Mont. IX 3; Nev. II 2; N.M. VII 4; N.Y. II 3; Ore. II 4; S.C. II 7.)
By removal from election district, *See below, this subdivision*, RESIDENCE — TIME REQUIREMENT.
Time Requirement
In city, 30 days. (Wash. VI 1.)
In city, 60 days. (Mo. VIII 2.)
In city, six months. (R.I. Amend. VII 1.)
In city, one year. (Miss. XII 241; Va. II 18.)
In city, time provided by law. (Colo. VII 1.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Residence (*Cont'd*)

Time Requirement (*Cont'd*)

In county, 30 days. (S.D. VII 1.)

In county, 30 days; actual, not constructive. (Ida. VI 2; Nev. II 1.)

In county, 60 days. (Iowa II 1; Mo. VIII 2; W.Va. IV 1; Wyo. VI Suffrage 2.)

In county, 90 days. (Cal. II 1; Ill. VII 1; N.M. VII 1; Wash. VI 1.)

In county, three months. (Del. V 2.)

In county, four months. (N.Y. II 1; Utah IV 2.)

In county, five months. (N.J. II 1.)

In county, six months. (Ark. Amend. IX; Fla. VI 1; Ga. II 1; Md. I 1; N.C. VI 2; N.D. V 121; Okla. III 1; Tenn. IV 1; Tex. VI 2.)

In county, six months; not to apply to school district elections. (Ky. 145, 155.)

In county, one year. (Ala. VIII 178; S.C. II 4; Va. II 18.)

In county, time prescribed by law. (Colo. VII 1; Mont. IX 2; Ohio V 1.)

In election district, 10 days. (S.D. VII 1.)

In election district, 30 days. (Cal. II 1; Del. V 2; Ill. VII 1; Ind. II 2; Minn. VII 1; N.M. VII 1; N.Y. II 1; Okla. III 1; Va. II 18; Wash. VI 1.)

In election district, 30 days; actual, not constructive. (Nev. II 1.)

In election district, one month. (Ark. Amend. IX.)

In election district, 60 days. (Utah IV 2.)

In election district, 60 days; not to apply to school district elections. (Ky. 145, 155.)

In election district, two months. (Pa. VIII 1.)

In election district, 90 days. (N.D. V 121.)

In election district, three months. (Ala. VIII 178.)

In election district, four months. (N.C. VI 2; S.C. II 4.)

In election district, six months. (La. 197 (1); Tex. VI 2.)

In election district, six months to vote for governor, lieutenant-governor, senators and representatives. (Mass. Amend. III.)

In election district, one year; but minister of gospel in charge of organized church entitled to vote after six months' residence. (Miss. XII 241.)

In election district, time prescribed by law. (Colo. VII 1; Mont. IX 2.)

In election district, time prescribed by law, not exceeding 30 days. (Wis. III 1.)

In election district; removal within thirty days of election to another district in same county, town or city not to forfeit right to vote in old district. (Va. II 18.)

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Residence (*Cont'd*)
Time Requirement (*Cont'd*)
In election district; removal within 30 days of election to another district in same county, incorporated town or city not to forfeit right to vote in old district. (Ala. VIII 178.)
In election district; removal within four months of election to another district in same county not to forfeit right
In hundred, 30 days. (Del. V 2.)
In election district; removal within six months of election to another district in same parish not to forfeit right to vote in old district. (La. 197 (1).)
In electoral district, six months; detailed provisions as to keeping residence in case of removal. (Md. I 1.)
In hundred, 30 days. (Del. V 2.)
In legislative district of Baltimore City, six months. (Md. I 1.)
In parish, one year. (La. 197 (1).)
In state, three months. (Me. II 1.)
In state, six months. (Ind. II 2; Iowa II 1; Kan. V 1; Mich. III 1; Minn. VII 1; Nebr. VII 1; Ore. II 2, Amend. 1914; S.D. VII 1.)
In state, six months; actual, not constructive. (Nev. II 1.)
In state, one year. (Ark. Amend. IX; Cal. II 1; Colo. VII I; Conn. Amend. VIII; Del. V 2; Fla. VI 1; Ga. II 1; Ill. VII 1; Md. I 1; Mo. VIII 2; Mont. IX 2; N.J. II 1; N.M. VII 1; N.Y. II 1; N.D. V 121; Ohio V 1; Okla. III 1; Tenn. IV 1; Tex. VI 2; Utah IV 2; Vt. II 34; Wash. VI 1; W.Va. IV 1; Wis. III 1; Wyo. VI Suffrage 2.)
In state, one year; actual residence. (Ida. VI 2.)
In state, one year; but six months only for qualified electors or native-born citizens of state who remove therefrom and then return. (Pa. VIII 1.)
In state, one year, for voting for governor, lieutenant-governor, senators and representatives. (Mass. Amend. III.)
In state, one year, not to apply to school district elections. (Ky. 145, 155.)
In state, two years. (Ala. VIII 178; La. 197 (1); Miss. XII 241; N.C. VI 2; R.I. Amend. VII 1; Va. II 18.)
In state, two years; but for ministers in charge of organized churches and teachers of public schools, six months. (S.C. II 4.)
In town, 30 days. (Kan. V 1; Wash. VI 1.)
In town, one month. (Ark. Amend. IX.)
In town, 60 days. (Ind. II 2; Mo. VIII 2.)
In town, six months. (Conn. Amend. VIII; R.I. Amend VII 1.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Residence (*Cont'd*)

Time Requirement (*Cont'd*)

In town, six months, to vote for governor, lieutenant-governor, senators and representatives. (Mass. Amend. III.)

In town, one year. (Miss. XII 241; Va. II 18.)

In town, time prescribed by law. (Colo. VII 1; Mont. IX 2; Ohio V 1.)

In township, 20 days. (Mich. III 1.)

In township, 30 days. (Kan. V 1.)

In township, 60 days. (Ind. II 2.)

In township, time prescribed by law. (Ohio V 1.)

In United States, one year. (S.D. VII 1.)

In United States, one year for foreigners having declared intention to become citizens. (Ind. II 2.)

In ward, 20 days. (Mich. III 1.)

In ward, 30 days. (Ind. II 2; Kan. V 1; Wash. VI 1.)

In ward, one month. (Ark. Amend. IX.)

In ward, three months but removal within three months to another ward in same city not to forfeit right to vote in old ward. (Ala. VIII 178.)

In ward, four months but removal within four months to another ward in same county not to forfeit right to vote in old ward. (N.C. VI 2.)

In ward, time prescribed by law. (Colo. VII 1; Ohio V 1.)

Restoration of Franchise to Persons Disqualified, *See above, this subdivision,* CRIME AS DISQUALIFICATION.

Restrictions, *See above, this subdivision,* CHANGE.

Robbery, *See above, this subdivision,* CRIME AS DISQUALIFICATION.

Sex

Male, as qualification. (Ala. VIII 177; Ark. Amend. IX; Conn. Amend. VIII; Del. V 2; Fla. VI 1; Ga. II 1; Ill. VII 1; Ind. II 2; La. 197; Me. II 1; Md. I 1, D.R. 7; Mich. III 1; Minn. VII 1; Miss. XII 241; Mo. VIII 2; Nebr. VII 1; N.J. II 1; N.M. VII 1; N.Y. II 1; N.C. VI 1; N.D. V 121; Ohio V 1; Okla. III 1; Pa. VIII 1; R.I. Amend. VII 1; S.C. II 3; S.D. VII 1; Tenn. IV 1; Tex. VI 2; Va. II 18; W.Va. IV 1; Wis. III 1.)

Male, as qualification; not to apply to school district elections. (Ky. 145, 155.)

Male, as qualification to vote for governor, lieutenant-governor, senators and representatives. (Mass. Amend. III.)

Laws affecting political rights and privileges of citizens to be without distinction of sex. (Wyo. I 3.)

Male and female citizens to enjoy equally political rights and privileges. (Utah IV 1; Wyo. VI Suffrage 1.)

Right to vote not to be denied or abridged on account of sex. (Kan. V 8; Nev. Amend. 1914; Utah IV 1; Wash. VI 1; Wyo. VI Suffrage 1.)

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Sex (*Cont'd*)
Right to vote not to be denied or abridged by state or any political division or municipality on account of sex. (Ariz. VII 3.)
Women, legislature may extend right of suffrage to; but law must be approved by a majority of electors voting on referendum. (Colo. VII 2.)
Women, legislature may extend right of suffrage to; but law must be approved by majority of electors voting at general election. (N.D. V 122.)
Women, legislature at first session to submit question of extending suffrage to; if majority vote to strike "male" from suffrage article, no distinction thereafter between males and females in exercise of right. (S.D. VII 2.)
Women may vote. (Ariz. VII 2; Cal. II 1; Ida. VI 2; Kan. V 8; Mont. IX 2, Amend. 1914; Nev. Amend. 1914; Ore. II 2; Utah IV 1; Wash. VI 1; Wyo. VI Suffrage 1.)
Women may vote at school elections. (Ida. VI 2; Mont. IX 10; N.D. V 128; Okla. III 3; S.D. VII 9; Wash. VI 2.)
Women may vote at school and library elections. (Minn. VII 8.)
Women may vote at school elections; detailed provisions as to suspending and restoring right in any district by majority vote. (N.M. VII 1.)
Women taxpayers, possessing other qualifications required of men, qualified to vote on questions submitted to taxpayers of state. (Mont. IX 12.)
When question submitted to vote of electors involving direct expenditure of public money or issue of bonds, every woman having qualifications of male electors who has property assessed for taxes in any part of district or territory to be affected by result of election shall be entitled to vote thereon. (Mich. III 4.)
Slavery, *See above, this subdivision*, PREVIOUS CONDITION OF SERVITUDE.
Sodomy, *See above, this subdivision*, CRIME AS DISQUALIFICATION.
Soldiers and Sailors
Residence, *See above, this subdivision*, RESIDENCE.
During war, *See below, this title*, DURING WAR.
Right of suffrage to be enjoyed by persons in military or naval service of United States; but votes to apply to county and township of which they were *bona fide* residents at time of enlistment; payment of poll taxes or registration not to be required. (Nev. II 3.)
Disqualified for electors. (Ind. II 3.)
Officers, soldiers or marines in regular army or navy of United States not allowed to vote. (Mo. VIII 11.)
Soldiers, seamen or marines in army or navy of United States not allowed right to vote. (Kan. V 3; Tex. VI 1.)

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ELECTIONS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)

Soldiers and Sailors (*Cont'd*)

Soldiers, seamen or marines in army or navy of United States or allies not to have right to voe. (Ore. II 5.)

Veterans, *See below, this subdivision*, VETERANS.

Taxes

Indians, *See above, this subdivision*, INDIANS.

Payment as qualification for municipal elections, *See above, this subdivision*, FOR MUNICIPAL ELECTIONS.

Poll taxes, *See above, this subdivision*, POLL TAXES.

Women taxpayers, *See above, this subdivision*, SEX.

Payment of all taxes given opportunity to pay, except for year of election, required. (Ga. II 1.)

Payment on or before February 1st for two preceding years of legal taxes given opportunity to pay, required; production to election officers of evidence of payment. (Miss. XII 241.)

Payment within two years of state or county tax, assessed at least two months and paid one month before election, required if 22 years old or over. (Pa. VIII 1.)

Persons who voluntarily pay $1 or such amount as together with other taxes amounts to $1, for support of public schools, entitled to vote if possessed of other qualifications specified. (R.I. II 2.)

Payment during previous year on property in state assessed at $300 or more required, if not registered before January 1, 1898; proof of payment of taxes including poll tax, to be given election officers, certificate of collecting officer to be conclusive. (S.C. II 4.)

Theft, *See above, this subdivision*, LARCENY AS DISQUALIFICATION.

Tramps, *See above, this subdivision*, CRIME AS DISQUALIFICATION.

Treason as Disqualification

See also above, this subdivision, CRIME AS DISQUALIFICATION.

Rebellion, *See above, this subdivision*, REBELLION AS DISQUALIFICATION.

Conviction disfranchises. (Ala. VIII 182; W.Va. IV 1.)

Conviction within or without state disfranchises. (Va. II 23.)

Conviction disfranchises, unless restored to civil rights. (Ariz. VII 2; Minn. VII 2; N.D. V 127; S.D. VII 8; Utah IV 6; Wis. III 2.)

Conviction of treason against state disfranchises, unless pardoned. (Ga. II 2.)

Conviction in any place disfranchises, unless restored to civil rights. (Ida. VI 3.)

Conviction disfranchises, unless restored to civil rights by executive pardon. (Ky. 145.)

Conviction under laws of state or United States disfranchises, unless restored to civil rights. (Nebr. VII 2.)

Conviction in any state or territory disfranchises, unless restored to civil rights. (Nev. II 1.)

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ELECTIONS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS (*Cont'd*)
Vagrants, *See above, this subdivision*, CRIME AS DISQUALIFICATION.
Veterans
Persons who served in United States army or navy in war and have been honorably discharged, not to be disqualified on account of receiving aid from any city or town or on account of non-payment of poll tax. (Mass. Amend. XXXI.)
Persons who served in army or navy of United States or of Confederate states or any state in time of war; sons of such persons; entitled to permanent registration in 1902 and 1903. (Va. II 19.)
Rebellion, *See above, this subdivision*, REBELLION AS DISQUALIFICATION.
Wife-beating, *See above, this subdivision*, CRIME AS DISQUALIFICATION.
DURING REBELLION, *See below, this title*, DURING WAR.
RECALL, *See* RECALL OF PUBLIC OFFICERS.
RECORDS, REGISTRATION, *See below, this title*, REGISTRATION.
REFERENDUM, *See* INITIATIVE AND REFERENDUM.
REGISTRATION
Appeals
Hearing and determination any time prior to elections. (La. 213; Miss. XII 251.)
From decisions granting or refusing registration or striking or refusing to strike names from list, to associate judge of county or judge entitled to sit in supreme court. (Del. V 4.)
On denial, application for relief to district court; appeal to supreme court; legislature to provide for same without cost; preferences in courts. (La. 201.)
From denial to court of common pleas or any judge and thence to supreme court; hearing on appeal to be *de novo;* legislature to provide for such appeal. (S.C. II 5.)
From denial, legislature to provide for. (Va. II 25.)
Application
Oaths, *See below, this subdivision*, OATHS.
May be made on at least five days during registration period. (Del. V 4.)
To state, on oath, residence, names by which known and names of employers, if any, for preceding five years; person willfully making false statement to be guilty of perjury and imprisoned in penitentiary not less than one nor more than five years. (Ala. VIII 188.)
To state name, age, date and place of birth, residence and occupation at time and for two years preceding and whether he has voted and if so, state, county and precinct of voting; must be written by applicant, in presence of registration officers, without aid, unless physically disabled. (Va. II 20.)
By person offering educational qualification, to be on oath written by applicant without assistance in English or in mother

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ELECTIONS (*Cont'd*)

REGISTRATION (*Cont'd*)

Application (*Cont'd*)

tongue through interpreter in presence of registration officer or deputy unless prevented by physical disability; to contain facts showing right to register and vote; form prescribed. (La. 197 (3).)

By person offering property qualification, to be on oath before registration officer or deputy and to state that applicant is citizen of United States and of state, over 21, and possesses property in state assessed at not less than $300, and if property personal, that taxes have been paid. (La. 197 (4).)

To court, *See above, this subdivision*, APPEALS.

Boards

See also above, this title, ELECTION OFFICERS.

Not more than two members to belong to same party at time of appointment. (N.M. VII 1.)

Laws shall secure equal representation of the two political parties casting highest and next highest number of votes at last election; appointment or election to be in such manner and on nomination of such representatives of parties as legislature may direct; existing laws continued until legislature provides otherwise; not applicable to town meetings or village elections. (N.Y. II 6.)

Bribery, *See above, this title*, BRIBERY.

Certificates

Legislature to provide for issue and for renewal when lost, mutilated or destroyed if applicant still a qualified elector under constitution or registered before January 1, 1898. (S.C. II 4.)

Of permanent registration, *See below, this subdivision*, PERMANENT REGISTRATION.

Production of general certificate required to obtain certificate for municipal elections. (S.C. II 12.)

Completion, *See below, this subdivision*, TIME.

Continuation of Laws

Existing June 4, 1897, continued until legislature otherwise provides. (Del. V 4.)

Existing June 1, 1867, continued except so far as inconsistent with constitution until legislature passes a new registration law. (Md. I 5.)

Corrections

Of illegal, *See below, this subdivision*, ILLEGAL.

May be made any time before election. (Del. V 4; La. 213; Miss. XII 251.)

Registry under law in force June 1, 1867, may be corrected as provided. (Md. I 5.)

Denial

Appeals, *See above, this subdivision*, APPEALS.

For refusal to state facts required in application. (Ala. VIII 188.)

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ELECTIONS (*Cont'd*)
REGISTRATION (*Cont'd*)
Denial (*Cont'd*)
Application for relief to district court; preference; legislature to provide for same without cost. (La. 201.)
Suitable remedies by appeal or otherwise to be provided by law to secure elective franchise to those illegally or improperly denied same. (Miss. XII 251.)
Effect
Conclusive evidence to judges of election of right to vote. (Md. I 5.)
Conclusive evidence to election officers of right to vote, unless disqualified for bribery at election. (Del. V 4.)
Fees
One dollar, payable at time of registration, for use of county. (Del. V 4.)
Illegal
Citizen may apply to district court to strike off names illegally on list; appeal to supreme court; preference in court; legislature to provide for such applications and appeals without cost. (La. 201.)
Legislature to provide for correction of. (S.C. II 5; Va. II 25.)
Legislature to provide suitable remedies by appeal or otherwise to correct. (Miss. XII 248.)
Legislature to provide for punishment of persons registering in violation of constitution. (Wash. VI 1.)
Laws, *See below, this subdivision*, REQUIREMENT OF.
Manner
Legislature to prescribe; not to apply to school district elections. (Ky. 147, 155.)
Uniformity, *See below, this subdivision*, REQUIREMENT OF.
Minors
Persons who will at election time be qualified electors as to age and residence may register. (La. 213; Miss. XII 251; S.C. II 11; Va. II 26.)
For Municipal Elections, *See below, this subdivision*, REQUIREMENT OF.
Oaths
Electors to take oath prescribed in constitution. (Fla. VI 3.)
Electors to take oath prescribed in constitution; willful false statement or answer to question referred to therein to be perjury. (Miss. XII 242.)
Offenses
Persons convicted of suborning witness or registrar to secure registration of any person as elector to be disfranchised. (Ala. VIII 182.)
Legislature to provide for prosecution of persons charged with. (La. 201.)

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ELECTIONS (*Cont'd*)

REGISTRATION (*Cont'd*)

Permanent

In 1902 of electors otherwise qualified who served in United States forces in War of 1812, War with Mexico, any Indian war, Civil war, War with Spain or in forces of Confederate states or Alabama in Civil war or who are descendants of persons who served in United States forces in Revolutionary war, War of 1812, War with Mexico, any Indian war or Civil war, or in forces of Confederate states or Alabama in Civil war, or who are persons of good character and understand duties and obligations of citizenship under republican form of government. Person registered not required to register again unless he changes residence; detailed provisions as to lists of such persons and certificates of registration. (Ala. VIII 180, 187, 190.)

Under constitution of 1898 or amendment of 1912. (La. 197 (5.).)

Record of persons registered as entitled to vote without educational qualification. (N.C. VI 4.)

Before January 1, 1898, of male persons of voting age who can read or explain any section of constitution; such persons to remain for life qualified electors unless disqualified by other provisions of constitution; detailed provisions as to record of persons so registered; certificate of record to establish right to subsequent registration. (S.C. II 4.)

General registration in 1902 and 1903 of persons qualified to vote who served in war in army or navy of United States or of Confederate states or any of the states, or their sons or persons who own property on which state tax of $1 was paid in preceding year or can read or explain any section of the constitution; roll of persons so registered to be filed; appeal from denial of such registration; persons so registered not required to register again. (Va. II 19.)

Personal

Required as qualification to vote. (Del. V 4; La. 197 (2).)

Required in cities and villages of 5,000 or more at last enumeration; not required elsewhere at first meeting of registration officers. (N.Y. II 4.)

Place

In county of residence. (Nev. II 6.)

In city or town of residence. (R.I. Amend. XI 11.)

Prohibited

No law to make right to vote depend on previous registration. (Ark. III 2.)

No law to authorize or establish board or court of registration. (W.Va. VI 43.)

Qualifications

See above, this subdivision, MINORS.

See above, this title, QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

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ELECTIONS (*Cont'd*)
REGISTRATION (*Cont'd*)
Records
Questions of registration officers and answers of applicants to be reduced to writing, certified by officers and preserved as part of official records. (Va. II 20.)
Requirement of
Due registration required to entitle persons to vote at state, county, municipal, general, local or special elections; legislature to enact general laws for registration after January 1, 1903. (Ala. VIII 178, 184, 186, 190.)
Legislature to enact laws. (Ariz. VII 12.)
Legislature to enact laws for uniform biennial registration. (Del. V 3.)
Legislature to provide for uniform registration for general biennial elections; registration not to be required for other elections unless legislature provides otherwise. (Del. V 4.)
Legislature at first session after ratification of constitution to provide for registration and to exclude persons not duly registered from voting. (Fla. VI 2.)
Legislature may provide for registration. (Ga. II 2.)
As qualification for voting. (Ida. VI 2.)
Legislature to provide for registration. (Ind. II 14.)
Legislature to enact registration laws for cities and towns of 5,000 or over; may enact for other places; not to apply to school district elections. (Ky. 147, 155.)
Legal registration required to vote at election, primary, convention or nominating assembly; legislature to enact general registration law in 1898 to provide for registration throughout the state. (La. 197 (2), 200, 214.)
Legislature to provide for registration; but not to be required for town and village elections except by express provision of law. (N.Y. II 4.)
Legislature to provide for uniform registration; no person to vote at federal or state election or municipal election in Baltimore unless registered; names of persons qualified to be added to registry made under law in force June 1, 1867. (Md. I 5.)
Due registration under constitution and laws of state by an authorized officer a necessary qualification to vote at any election. (Miss. XII 241, 249.)
Legislature to enact registration laws for cities and counties over 100,000; may enact for cities between 25,000 and 100,000. (Mo. VIII 5.)
Legislature may enact registration law. (Mont. IX 9.)
Legislature to provide for registration; but not to be required of soldiers and sailors. (Nev. II 3, 6.)
Legislature may enact registration laws. (N.M. VII 1.)
Legislature to provide for registration; but not to be required for town and village elections except by express provision of law. (N.Y. II 4.)

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ELECTIONS (*Cont'd*)

REGISTRATION (*Cont'd*)

Requirement of (*Cont'd*)

Legislature to enact general registration laws; legal registration required to vote. (N.C. VI 3.)

As qualification to vote, if legislature provides for registration; may provide for registration throughout state or in any incorporated city or town. (Okla. III 6.)

Legislature may enact registration laws uniform throughout state; but laws may apply to cities only if uniform for cities of same class. (Pa. VIII 1, 7.)

Legislature may provide for "a registry of voters"; no person of whom registration required by law to be permitted to vote unless registered in town or city where he resides on or before last day of June preceding time of voting. (R.I. II 6, Amend. XI 11.)

Legislature to provide for registration generally and for elections in municipalities. (S.C. II 8, 12.)

Legislature may enact registration laws for cities of 10,000 or more. (Tex. VI 4.)

Citizens required to register for voting; legislature to enact laws for annual registration of those not permanently registered in 1903 and for transfer of voters registered under constitution. (Va. II 18, 25.)

Legislature to enact registration laws for cities and towns over 500; may enact, for others; same system need not be used for both classes. (Wash. VI 7.)

Legislature to enact registration laws. (W.Va. IV 12.)

Legislature may enact registration laws for incorporated cities and villages. (Wis. III 1.)

Only registered electors to vote at general or special election unless failure to register caused by sickness or absence; legislature to enact necessary laws, subject to amendment but not repeal. (Wyo. VI Suffrage 12.)

Revision, *See above, this subdivision,* CORRECTIONS.

Right to Register

See above, this subdivision, MINORS.

See above, this title, QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Systems, *See above, this subdivision,* MANNER.

Time

For persons becoming of age between registration and election, *See above, this subdivision,* MINORS.

Every 10 years and for electors not previously registered under this constitution every year. (S.C. II 4.)

To commence not more than 120 nor less than 60 days before election; completion not more than 20 nor less than 10 days before election. (Del. V 4.)

Completion at least 10 days before election. (N.Y. II 4.)

Completion 30 days before election. (S.C. II 11.)

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ELECTIONS (*Cont'd*)
REGISTRATION (*Cont'd*)
Time (*Cont'd*)
Not to be within 30 days before election. (La. 213.)
Not to be within four months before election. (Miss. XII 251.)
On or before last day of June before election. (R.I. Amend. XI 11.)
IN REPRESENTATIVE BODIES
Legislature, *See* LEGISLATURE.
To be *viva voce*. (Ark. III 12; La. 203; Mo. VIII 6; Pa. VIII 12; Va. II 27.)
In legislature, county or municipal body, vote shall be *viva voce* and entered in journal. (W.Va. VI 44.)
OF REPRESENTATIVES
In Congress, *See* CONGRESS OF UNITED STATES.
In legislature, *See* LEGISLATURE.
RESIDENCE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.
RESTORATION OF FRANCHISE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — CRIME AS DISQUALIFICATION.
RESULTS
Canvass, *See above, this title,* CANVASS OF VOTES.
Determination, *See above, this title,* DETERMINATION.
Disclosing, *See above, this title,* ELECTION OFFICERS — OATHS AND AFFIRMATIONS.
Returns, *See below, this title,* RETURNS.
Of election of state officers to be voted for at general election, to be declared by chief justice and associate justices of highest court or majority. (Nev. V 4.)
Of election of state officers, to be declared by state canvassing board. (N.M. V 2, XX 7.)
RETURNS
Of absent electors' votes, *See above, this title,* ABSENT ELECTORS.
Canvass, *See above, this title,* CANVASS OF VOTES.
Of soldiers' and sailors' votes, *See above, this title,* ABSENT ELECTORS.
During war, *See below, this title,* DURING WAR.
To secretary of state in manner provided by law. (Miss. IV 114.)
For state officers voted for at general election to be sealed and transmitted to secretary of state; to be opened by chief justice and associate justices of highest court or majority meeting at office of secretary of state. (Nev. V 4.)
For state officers to be sealed and transmitted to secretary of state. (N.M. V 2.)
For state officers to be sealed and transmitted to speaker who immediately after organization of house and before proceeding to other business, opens and publishes in presence of majority of each house. (Okla. VI 5.)
For civil officers to be commissioned by governor, except attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries and for members of legislature, to be made to secretary of state. (Ala. VIII 193.)

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ELECTIONS (*Cont'd*)

RETURNS (*Cont'd*)

For civil officers elected by people and to be commissioned by governor and for members of legislature, to secretary of state, unless otherwise provided by law. (Ga. II 6.)

For civil officers to be commissioned by governor to secretary of state, unless otherwise provided in constitution. (La. 211.)

For officers to be commissioned by governor and for members of legislature to secretary of state, except as otherwise provided in constitution. (Ark. XIX 10.)

For clerks, registers of wills and other officers provided in constitution, except state's attorneys, to be made to governor by clerks of circuit courts of counties and clerk of superior court of Baltimore. (Md. IV 11.)

Of election of county and district officers, commissioners of county court to judge, subject to regulation by appeal or otherwise as provided by law. (W.Va. VIII 24.)

In city wards, to secretary of state's office by alderman in same manner as by selectmen of towns. (Me. IV Pt. I 5.)

Legislature may regulate. (Md. III 49.)

Legislature may regulate by general law; not to apply to school district elections. (Ky. 153, 155.)

Legislature to regulate. (Fla. VI 2; Nev. II 6; Va. IV 56; W.Va. IV 11.)

Legislature to prescribe manner of returning votes in municipal elections. (Mass. Amend. II.)

Fraud, mistake, disagreement or failure to produce certificates, summary process to issue against election officers. (Del. V 6.)

Offenses touching returns of general, special or municipal elections, legislature may define and punish; prosecution not subject to certain constitutional provisions. (Del. V 9.)

Person convicted of making or offering to make false returns to procure election of any person to office, disfranchised. (Ala. VIII 182.)

RIGHT OF SUFFRAGE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

SALE OF LIQUOR, *See above, this title,* INTOXICATING LIQUORS.

SECRECY

Ballot boxes, *See above, this title,* BALLOT BOXES.

Of ballots, *See above, this title,* BALLOTS.

In canvass, *See above, this title,* CANVASS OF VOTES.

Elections shall be open. (Colo. II 5; Mo. II 9; Mont. III 5; N.M. II 8; S.C. I 10; Wyo. I 27.)

Elections never to be held in secret. (S.C. II 1.)

SELLING VOTES, *See above, this title,* OFFENSES.

BY SOLDIERS

Absent, *See above, this title,* ABSENT ELECTORS.

Qualifications, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

In war, *See below, this title,* DURING WAR.

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ELECTIONS (*Cont'd*)

SPECIAL

See also throughout this title.

Law may provide for. (Utah IV 9.)

STATE, *See throughout this title.*

TAXPAYERS' ELECTIONS, *See* STATE DEBT; *and See the subhead* DEBT *under the various classes of municipalities.*

TESTIMONY IN INVESTIGATIONS, *See above, this title,* INVESTIGATIONS.

TIE VOTE

New election to be ordered by governor except in cases specially provided in constitution if two or more have highest and equal number of votes. (Md. XV 4.)

Legislature in joint convention to choose one of persons in tie. (Mich. XVI 4.)

For state officers elected at general election, legislature by joint ballot to choose one of persons in tie. (Nev. V 4.)

For state officers, legislature by joint ballot to choose one of persons in tie. (N.M. V 2.)

For state officers, legislature forthwith by joint ballot to choose one of persons in tie. (Okla. VI 5.)

TIME

Frequency, *See above, this title,* FREQUENCY.

Legislature shall regulate. (Okla. III 4.)

On first Thursday in August for judicial and other civil officers. (Tenn. VII 5.)

On first Monday in September for general elections. May be changed by legislature. (Ark. III 8.)

On second Monday in September. (Me. II 4.)

On Tuesday after first Monday of November for general election of representatives in Congress and state, county and precinct officers. (Ariz. VII 11.)

On Tuesday after first Monday of November for general election of governor, lieutenant-governor, secretary, treasurer, comptroller and members of legislature and such officers as may be prescribed. (Conn. Amend. XXVII 1.)

On Tuesday after first Monday in November. (Del. V 1.)

On Tuesday after first Monday in November for general elections of state and county officers. (Fla. XVIII 9.)

All general elections to be held on Tuesday after first Monday in November, except township elections to be held at time prescribed by law and election of judges of courts of general or appellate jurisdiction to be held at time prescribed by legislature when no other officer shall be voted for. (Ind. II 14.)

On Tuesday after first Monday in November for general election of state, district, county and township officers. (Iowa II 7, XII 16.)

On Tuesday after first Monday in November for general and township elections. (Kan. IV 2.)

All elections of state, county, city, town or district officers shall be held on Tuesday after first Monday in November, but no officer of any city, town or county, or of any subdivision thereof,

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ELECTIONS (*Cont'd*)

TIME (*Cont'd*)

except members of municipal legislative boards, shall be elected in same year in which representatives in Congress are elected. District or state officers, including members of legislature, may be elected in same year in which members of Congress are elected. All elections to be between six o'clock A. M. and seven o'clock P. M., but legislature may change. Provisions not to apply to school district elections. (Ky. 148, 155.)

On Tuesday after third Monday of April, for general state election until otherwise provided by law. Parochial elections on same day as general elections, but not oftener than every four years; special provisions for New Orleans. (La. 206, 207.)

On Tuesday after first Monday of November in years in which they occur, for general elections; legislature may regulate. (Md. XV 7, III 49.)

On Tuesday after first Monday of November for general election. (Minn. VII 9.)

State and county officers to be elected on Tuesday after first Monday of November. State officers to be elected at same time as governor. General elections to be held on first Tuesday after first Monday of November. Legislature may change day and date to any day and date in October, November or December. (Miss. IV 102, V 143, XII 252.)

On Tuesday after first Monday in November. Legislature may change by a two-thirds vote of all members of each house. (Mo. VIII 1.)

State, district, county, precinct and township officers elective by people, except school district officers and municipal officers in cities, villages and towns, to be elected at general election. General election to be held on Tuesday after first Monday of November. (Nebr. XVI 13.)

On Tuesday after first Monday in November for general election. (Nev. XV 5.)

General elections to be held on Tuesday after first Monday in November, but legislature may regulate time. School elections to be held at different times from other elections. (N.M. VII 1, XX 6.)

On Tuesday after first Monday in November for city officers and county officers in New York and Kings counties and in counties coterminous with cities, except to fill vacancies (provision not applicable to city of third class or to election of judicial officers, except judges of inferior local courts). To be prescribed by law for officers named in article X. (N.Y. XII 3, X 4.)

On Tuesday after first Monday in November for general election. (N.D. V 124.)

For state and county officers on Tuesday after first Monday in November in even numbered years; for all other elective officers, on Tuesday after first Monday in November in odd numbered years. Township officers to be elected at time prescribed by law. (Ohio X 2, 4, XVII 1.)

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ELECTIONS (*Cont'd*)
TIME (*Cont'd*)
Regular general biennial election on Tuesday after first Monday of November. Laws relating to first Monday in June to be construed to apply to Tuesday after first Monday in November. (Ore. II 14.)
General election on Tuesday after first Monday of November. Legislature may change by vote of two-thirds of all members of each house provided that election shall always be held in even numbered years. On Tuesday after first Monday in November, municipal election day, for judges of judicial districts and for county, city, ward, borough and township officers. County officers elected at municipal elections. State officers to be elected on general election day and local officers on municipal election day unless to fill unexpired term. (Pa. VIII 2, 3, XII 1, XIV 2.)
On Tuesday after first Monday in November for general elections, except municipal and school officers shall be elected at time provided by constitution; as prescribed by law for municipal officers. (Utah IV 9.)
On Tuesday after first Monday in November for county and district officers. On Tuesday after first Monday in November for elective officers of cities, except mayors; legislature may change, except that election of mayor not to occur at same time as election of other elective officers provided by constitution. (Va. VII 112, VIII 122.)
On Tuesday after first Monday in November for state, county and district officers. (Wash. VI 8.)
On Tuesday after first Monday in November for general elections of state and county officers and members of legislature until otherwise provided by law. (W.Va. IV 7.)
On Tuesday after first Monday in November for general election. (Wis. XIII 1.)
During war, *See below, this title,* DURING WAR.
TIME TO VOTE, *See above, this title,* EMPLOYEES' VOTES.
TOWNSHIP ELECTIONS
See throughout this title.
Of a particular officer, See TOWNSHIPS.
Bonding elections, *See* TOWNSHIPS — DEBT.
UNDUE INFLUENCE, *See above, this title,* FREEDOM OF.
UNITED STATES SENATORS, ADVISORY VOTES, *See above, this title,* ADVISORY VOTES.
VILLAGE ELECTIONS
See throughout this title.
Of a particular officer, See VILLAGES.
Bonding elections, *See* VILLAGES — DEBT.
VOTERS, *See above, this title,* ELECTORS.
VOTING MACHINES
See also above, this title, MECHANICAL DEVICES.
On purchase by county, city, city and county or town, payment may be provided for by issue of bonds, certificates of indebtedness or other obligations; obligations to be a charge on municipality;

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ELECTIONS (*Cont'd*)

VOTING MACHINES (*Cont'd*)

payable at time not exceeding 10 years from date; not to be issued or sold at less than par. (Colo. VII 8.)

Use authorized under regulations prescribed by constitution; provided secrecy of voting be preserved. (Conn. Amend. XXXIII.)

Use not prohibited but secrecy of voting to be preserved. (Utah IV 8.)

Use may be authorized by the legislature throughout state or in any county, city or town, provided secrecy of voting be not impaired. (Va. II 37.)

VOTING, MANNER OF, *See above, this title,* MANNER OF VOTING.

WAGERS, *See above, this title,* BETS.

DURING WAR

Military duty, *See above, this title,* PRIVILEGES OF ELECTORS.

Electors in actual military service of state or of United States or in army or navy not to be deprived of vote, by absence from township, ward or state in war, insurrection or rebellion; legislature to provide manner, time and place for voting and for canvass and returns of votes. (Mich. VII 1.)

Electors in actual military service of state or of United States in army or navy not to be deprived of votes by absence from election district; manner, time, place, returns and canvass of their votes. (N.J. II 1.)

Legislature may provide for manner, time and place of voting by absent electors in actual military service and for returns and canvass of their votes in election districts of residence. (N.Y. II 1.)

Electors absent from state in actual military service of United States shall have a right to vote for presidential electors, representatives in Congress and general officers of state; provisions as to manner of voting and counting such votes. (R.I. Amend. IV.)

Soldiers may vote at post of duty in or out of state under regulations to be prescribed by law. (S.D. VI 19; Utah I 17.)

ELECTRIC COMPANIES

See also "TELEGRAPH COMPANIES", "TELEPHONE COMPANIES", "TRANSMISSION COMPANIES", "PUBLIC SERVICE CORPORATIONS" *and* "CORPORATIONS".

Declared to be common carriers, and subject to control by law. (Ariz. XV 10.)

No law to be passed by legislature granting right to construct and operate electric plant, without first obtaining consent of local authorities in control of streets or public places proposed to be occupied for any such or like purposes. (S.C. VIII 8.)

For consent of local authorities in cities, towns and municipalities, *See the subhead* "PUBLIC UTILITIES" *under the specific title.*

Taxation

See TAXATION — OBJECTS AND KINDS OF TAXATION — CORPORATIONS.

See TAXATION — OBJECTS AND KINDS OF TAXATION — PUBLIC UTILITIES.

See TAXATION — LOCAL TAXES — AUTHORITY.

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ELEVATORS

See PUBLIC PROPERTY — ELEVATORS.

See WAREHOUSES.

EMIGRATION

From state not to be prohibited. (Ala. I 30; Ind. I 36; Ky. 24; Pa. I 25; Vt. I 19.)

No law to be passed prohibiting emigration from state. (Ore. I 30.)

EMINENT DOMAIN

DECLARATION OF

State's ancient right of, is fully and expressly conceded. (Ark. II 23.)

Private property shall ever be held inviolate, but subservient to the public welfare. (Ohio I 19.)

Private property ought to be subservient to public uses when necessity requires it. (Vt. I 2.)

The people of the state, in their right of sovereignty, are declared to possess the ultimate property, in and to all lands within the jurisdiction of the state. (N.Y. I 10; S.C. XIV 3; Wis. IX 3.)

Right of eminent domain declared to exist in state to all frontages on navigable waters of state. (Cal. XV 1.)

SERVICE

Compelling service for public purposes without just compensation prohibited. (Tenn. I 21.)

Compelling service for public purposes without just compensation first assessed and tendered prohibited. (Ind. I 21; Ore. I 18.)

PROPERTY AND FRANCHISES OF CORPORATIONS

Legislature may take and subject to public use same as property of individuals. (Ala. I 23; Ariz. XIV 9; Ark. XVII 9; Cal. XII 8; Colo. XV 8; Ga. IV Sec. II 2; Ida. XI 8; Ky. 195; Miss. VII 190; Mont. XV 9; Nebr. XI 6; N.M. XI 18; N.D. VII 134; Pa. XVI 3; S.D. XVII 4; Utah XII 11; Va. XII 159; Wash. XII 10; Wyo. X 4, 9.)

Legislature may take, of corporations already organized, and subject to public use same as property of individuals. (Ill. XI 14; Mo. XII 4; W.Va. XI 12.)

PURPOSE, PUBLIC CHARACTER OF

Public character of purpose a judicial question. (Ariz. II 17; Colo. II 15; Miss. III 17; Mo. II 20; Okla. II 24; Wash. I 16.)

SPECIAL PUBLIC PURPOSE

Right of way, *See throughout this title.*

Regents of university to have power to take private property for use of university. (Mich. XIII 4.)

Telephone and telegraph companies may exercise power. (Wash. XII 19.)

Governing authority in town of over 5,000 inhabitants shall have the right to appropriate wharves and buildings of riparian proprietors on the banks of navigable rivers for public purposes, on payment of cost of construction less depreciation, in no case more than actual market value of property. (La. 290.)

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EMINENT DOMAIN (*Cont'd*)

SPECIAL PUBLIC PURPOSE (*Cont'd*)

Condemnation of right of way for sea walls, breakwaters or sanitary purposes built by certain counties and cities to be provided for. (Tex. XI 7.)

Levee boards to have right to appropriate private property within their districts, to construct, maintain and repair levees; compensation to be assessed and paid in accordance with certain acts of the legislature. (Miss. XI 233.)

Legislature to provide by law for exercise of, by incorporated cities, towns and villages to acquire from prior appropriators upon payment of just compensation, enough water for their well-being and for domestic uses. (Wyo. XIII 5.)

Necessary use of lands for construction of reservoirs or storage basins for irrigation; rights of way for construction of canals, ditches, flumes or pipes to convey water to place of use for any useful purpose; drainage, or for drainage of mines or necessary means for complete development of mines; any other use necessary to complete development of material resources of state or the health of its inhabitants are public uses, and subject to the regulation and control of the state. (Ida. I 14.)

Right of way over lands of others for ditches, drains, flumes, canals and aqueducts necessary for use in connection with appropriated waters and sites for reservoirs, a public use. (Mont. III 15.)

PRIVATE PURPOSE

Private property not to be taken for private purposes (*for exceptions, See entries immediately following*). (Ala. I 23; Ariz. II 17; Colo. II 14; Mo. II 20; Okla. II 23; S.C. I 17; Wash. I 16; Wyo. I 33.)

General laws may be passed permitting owners or occupants of agricultural lands to construct and maintain for drainage thereof, drains, ditches and dykes upon lands of others under proper restrictions and just compensation, but no special laws to be enacted for this purpose. (N.Y. I 7.)

Drains and ditches across the lands of others for agricultural or sanitary purposes. (Mo. II 20.)

Drains or ditches across lands of others for agricultural, mining or sanitary purposes. (Okla. II 23.)

Drains, flumes, ditches on or across lands of others for agricultural, domestic or sanitary purposes. (Wash. I 16.)

Legislature may pass laws permitting owners of land to construct drains, ditches and levees for agricultural, sanitary and mining purposes across lands of others. (Ill. IV 31; Iowa I 18.)

Legislature to provide by law for condemnation of real estate needed for construction and maintenance of drains, ditches and levees for individuals and drainage districts and prescribe method of condemnation. (Iowa I 18.)

Reservoirs, drains, flumes or ditches for agricultural, mining, milling, sanitary or domestic purposes. (Colo. II 14.)

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EMINENT DOMAIN (*Cont'd*)

PRIVATE PURPOSE (*Cont'd*)

Drains, flumes and ditches on or across lands of others for mining, agricultural, domestic or sanitary purposes. (Ariz. II 17.)

Reservoirs, drains, flumes or ditches on or across lands of others for agricultural, mining, milling, domestic or sanitary purposes. (Wyo. I 32.)

All persons and corporations to have right of way across public, private and corporate lands for ditches, canals and flumes to convey water for domestic, mining and manufacturing purposes, irrigation or drainage. (Colo. XVI 7.)

Legislature may provide for drainage of the land of one person over or through that of another, upon just compensation to the owner of the land over which such drainage is had. (Fla. XVI 28.)

Steamship companies shall have power to acquire land on which to erect a plant to build and repair vessels. (La. 230.)

Private ways may be granted in case of necessity. (Ga. I 3.)

Private property may be taken for ways of necessity. (Ariz. II 17; Colo. II 14; Mo. II 21; Okla. II 23; Wash. I 16; Wyo. I 32.)

Private roads may be opened. (Mich. XIII 3; Mont. III 15; N.Y. I 7.)

Legislature may provide for establishing and opening roads and cartways, connected with a public road, for public and private use. (Ill. IV 30.)

Legislature may provide for condemning rights of way for private roads, but such rights of way shall not be provided for in incorporated cities and towns. (Miss. IV 110.)

For provisions relating to private ways or ways of necessity, See throughout this title.

LEGISLATION NECESSARY

Property not to be taken without authority of law. (Pa. I 10.)

Property not to be taken without consent of owner's representatives. (Del. I 8; Ky. B.R. 13; Tenn. I 21.)

Property not to be taken without the consent of the representative body of the people. (N.H. Pt. I 12; Vt. I 9; Va. I 6.)

The right of eminent domain not to be conferred by local, private or special law. (Miss. IV 90.)

NECESSITY FOR TAKING

Private property not to be taken for public uses unless public exigency requires it. (Me. I 21.)

Necessity for using property to be determined before private property taken by public or by corporation for public use, by jury or not less than three commissioners appointed by court of record; not to apply to commissioners of highways or road commissioners in official discharge of duties. (Mich. XIII 2.)

Private property not to be taken against owners' will by municipal corporation without necessity being first established by verdict of jury. (Wis. XI 2.)

Necessity for private road to be determined by jury before opening private road. (Mont. III 15; N.Y. I 7.)

Necessity for private road to be determined by jury of six or by not less than three commissioners before opening. (Mich. XIII 3.)

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EMINENT DOMAIN (*Cont'd*)

WHAT COMPENSATED FOR

Taking. (Colo. II 15; Conn. I 11; Fla. D.R. 12; Ida. I 14; Ind. I 21; Iowa I 18; Ky. 13; La. 166; Me. I 21; Md. III 40; Mass. Pt. I 10; Mich. XIII 1; Nev. I 8; N.Y. I 6; N.D. I 14; Ohio I 19; Ore. I 18; R.I. I 16; S.C. I 17; Utah I 22; Vt. I 2; Wis. I 13.)

Taking, but land may be taken for public highways until legislature direct compensation. (N.J. I 16.)

Taking or applying to public use. (Ala. I 23; Del. I 8; Pa. I 10; Tenn. I 21.)

Taking or damaging. (Ariz. II 17; Ark. II 22; Cal. I 14; Ga. I Sec. III 1; Ill. II 13; La. 167; Minn. I 13; Miss. III 17; Mo. II 21; Mont. III 14; Nebr. I 21; N.M. II 20; Okla. II 24; S.D. VI 13; Tex. I 17; Utah I 22; Va. IV 58; Wash. I 16; W.Va. III 9; Wyo. I 33.)

Taking for right of way of corporation. (Kan. XII 4; Minn. X 4; Nev. VIII 7; Ohio XIII 5; S.C. IX 20.)

Taking for right of way of corporation, other than municipal. (Ariz. II 7; Cal. I 14; N.D. I 14; Wash. I 16.)

Taking for right of way for persons or corporations. (Ala. I 23; Colo. XVI 7.)

Taking or damaging property for right of way for a corporation. (Minn. X 4.)

Taking, injury or destruction by a corporation, or individual for construction or enlargement of works, highways or improvements. (Ala. XII 235; Pa. XVI 8; S.D. XVII 18.)

ASSESSMENT OF COMPENSATION

Benefits

Not to be considered in fixing compensation. (Iowa I 18; Ohio I 19; S.D. VI 13.)

From any improvement proposed by corporation taking for right of way, not to be considered in fixing compensation. (Kan. XII 4; Ohio XIII 5; S.C. IX 20.)

From any improvement proposed by corporation or individual taking, not to be considered in fixing compensation. (Ark. XII 9; Fla. XVI 29.)

From any improvement proposed by corporation other than municipal taking for right of way, not to be considered in fixing compensation. (Ariz. II 17; Cal. I 14; N.D. I 14; Wash. I 16.)

Jury or Commissioners

Jury or not less than three commissioners appointed by court of record; not to apply to action of commissioners of highways or road commissioners in official discharge of duty. (Mich. XIII 2.)

Jury of six freeholders or not less than three commissioners in case of private roads. (Mich. XIII 3.)

When property not taken by state, made by jury, by supreme court with or without a jury, but not with a referee, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. (N.Y. I 7.)

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EMINENT DOMAIN (*Cont'd*)

ASSESSMENT OF COMPENSATION (*Cont'd*)

Jury or Commissioners (*Cont'd*)

By jury or board of three commissioners appointed by the court of record. (N.J. I 7.)

Board of not less than three freeholders not appointed by any judge without reasonable notice having been served upon the parties in interest; commissioners selected from regular jury list; aggrieved party to have right of appeal without bond and trial by jury; assessment in manner prescribed by law. (Okla. II 24.)

By jury or board of not less than three freeholders. (Mo. II 21.)

By jury when requested by owner, or board of not less than three freeholders. (Colo. II 15.)

Jury

To be assessed by jury. (Md. III 40; Ohio I 19; S.D. VI 13.)

To be assessed by jury when not made by state. (Ill. II 13.)

To be assessed by jury unless jury waived. (Ariz. II 17; Cal. I 14; N.D. I 14; Wash. I 16.)

Either party may insist upon jury. (W.Va. III 9.)

Where private property taken for use of corporation or individual, by jury in court of competent jurisdiction. (Ark. XII 9; Fla. XVI 29.)

By jury when incorporated company interested either for or against exercise of rights. (Ill. XI 14; Mo. XII 4.)

As agreed upon or awarded by a jury, except in Baltimore if property is desired by state or city, legislature to provide that a court of record may appoint appraisers. (Md. III 40, 40a.)

To be assessed by jury in court of record when rights of way to be taken by corporation. (Ohio XIII 5; S.C. IX 20.)

Assessed by jury for private roads. (Mont. III 15.)

Railroad Commission

Railroad commission to have such jurisdiction as legislature confers on it to fix compensation to be paid for public utility property taken by state, county, city and county, incorporated city or town or municipal water district and legislature authorized to grant plenary powers to railroad commission "unlimited by any provision of this constitution"; previous legislation in accordance with this provision confirmed. (Cal. XII 23a.)

Appeal

Legislature not to deny where property taken by municipal or other corporation, or individual, from preliminary assessment; damages on appeal to be fixed by jury. (Ky. 242; Pa. XVI 8; S.D. XVII 18.)

Legislature not to deny right where property taken by corporation or individual; damages on appeal to be fixed by jury; entry pending appeal allowed on giving bond for double amount of assessment. (Ala. XII 235.)

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EMINENT DOMAIN (*Cont'd*)

AMOUNT OF COMPENSATION

Just, for public and private purposes in general where private purposes mentioned. (Ala. I 23; Ariz. II 17; Ark. II 22; Cal. I 14; Colo. I 15; Conn. I 11; Fla. D.R. 12; Ida. I 14; Ill. II 13; Ind. I 21; Iowa I 18; Ky. 13; Me. I 21; Md. II 40; Mich. XIII 1; Minn. I 13; Mo. I 21; Mont. III 14; Nebr. I 21; Nev. I 8; N.J. I 16; N.M. II 20; N.Y. I 6; N.D. I 14; Okla. II 24; Ore. I 18; Pa. I 10; R.I. I 16; S.C. I 17; S.D. VI 13; Tenn. I 21; Utah I 22; Va. IV 58; Wash. I 16; W.Va. III 9; Wis. I 13; Wyo. I 33.)

Just and adequate where object is a public use. (Ga. I Sec. III 1; La. 167.)

Adequate, where object is a public use. (Tex. I 17.)

Equivalent where object is a public use. (Vt. I 2.)

Reasonable where object is a public use. (Mass. Pt. I 10.)

Due, for private use. (Wyo. I 33.)

Just, for drainage. (Fla. XVI 28.)

Just, for a right of way. (Ala. I 23; Colo. XVI 7; Ga. I Sec. III 1.)

Full, for a right of way. (Ariz. II 17; Cal. I 14; Kan. XII 4; Nev. VIII 7; N.D. I 14; Ohio XIII 5; S.C. IX 20; Wash. I 16.)

Fair and equitable for right of way. (Minn. X 4.)

Just for private road. (Ga. I Sec. III 1.)

All damages, for private road. (Mont. III 15; N.Y. I 7.)

Due, for a private road. (Miss. IV 110.)

TIME OF PAYING COMPENSATION

Made before taking. (Ala. I 23; Ky. 13; La. 166; S.C. I 17; S.D. VI 13.)

Made before taking or damaging. (Ga. I Sec. III 1; La. 167; Miss. III 17.)

Made before taking or disturbing. (Okla. II 24.)

Until compensation paid into court for owner, property not to be disturbed or proprietary rights of owner divested. When possession taken of property condemned for public use, owner entitled to immediate receipt of compensation awarded. (Okla. II 24.)

Made or tendered before taking, or in Baltimore made or paid in court, where state or city is plaintiff. (Md. III 40.)

Made or paid into court before taking. (Ariz. II 17; Ida. I 14; N.D. I 14.)

Made or paid into court before taking or damaging. (Cal. I 14; Mo. II 21; Mont. III 14; Wash. I 16.)

Made or paid into court before taking or needlessly disturbing. (Colo. II 15.)

Made or secured before taking. (Iowa I 18; Mich. XIII 1; Pa. I 10.)

Made or secured before taking, except in cases of war, riot, fire or great public peril. (Nev. I 8.)

Made or secured before taking, except public exigencies require immediate seizure, or taking is made for repairing roads open to public without charge. (Ohio I 19.)

Made or secured before taking or damaging. (Minn. I 13.)

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EMINENT DOMAIN (*Cont'd*)

TIME OF PAYING COMPENSATION (*Cont'd*)

Assessed and tendered before taking, except in case of taking by state. (Ind. I 21; Ore. I 18.)

Made or secured by deposit of money before taking, except by the State. (Tex. I 17.)

Made before taking by corporation or individual. (N.J. IV Sec. VII 8.)

Made before taking, injury or destruction, when taken by a corporation or individual. (Ala. XII 235; Pa. XVI 8; S.D. XVII 18.)

Made or secured by deposit of money before taking to use of any corporation or individual. (Fla. XVI 29.)

Made or secured before taking by corporation. (Ore. XI 4.)

Made in money or secured by deposit in money before taking by corporation. (Ark. XII 9.)

Made or secured before taking by company incorporated for internal improvement. (W.Va. III 9.)

Made or paid into court before taking for right of way by corporation other than municipal. (Ariz. II 17; Cal. I 14; N.D. I 14; Wash. I 16.)

Made before taking right of way for corporation or individual. (Ala. I 23.)

Made in money or paid into court before right of way for corporation other than municipal may be taken. (Ariz. II 17; Cal. I 14; N.D. I 14; Wash. I 16.)

Made or secured before right of way for corporation may be taken. (Nev. VII 7.)

Made in money or secured by deposit in money before right of way for any corporation may be taken. (Kan. XII 4; Ohio XIII 5; S.C. IX 20.)

Made or secured before taking of right of way by corporation. (Kan. XII 2; Nev. VIII 7; Ohio XIII 5; S.C. IX 20.)

Made before taking in case of private roads. (Miss. IV 110.)

Made before taking in case of private ways of necessity. (Ga. I Sec. III 1.)

Made together with expense of proceedings before opening private road. (Mich. XIII 3; Mont. III 15; N.Y. I 7.)

CHARACTER OF PAYMENT OF COMPENSATION

Money. (Ohio I 19; Tex. I 17; Vt. I 2.)

Money, before taking by corporation. (Ark. XII 9.)

Money or deposit in money when right of way taken by any corporation. (Kan. XII 4; Ohio XIII 5; S.C. IX 20.)

Money, when right of way taken by corporation other than municipal. (Ariz. II 17; Cal. I 14; N.D. I 14; Wash. I 16.)

FEE OF RIGHT OF WAY

Fee of land taken for railroad tracks without consent of owner to remain in such owner subject to use for which taken. (Ill. II 13; Mo. II 21.)

Fee of land taken for railroad tracks or other highways to remain in owners, subject to use for which taken. (S.D. VI 13.)

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EMINENT DOMAIN (*Cont'd*)

FEE OF RIGHT OF WAY (*Cont'd*)

Where taken by common carrier without consent of owner, fee to remain in him subject only to use for which taken. (Okla. II 24.)

GRANT OF POWER TO CORPORATIONS

No corporation to be created with power to exercise except by special act of the legislature upon a petition for the same whose pendency shall be notified as may be required by law. (R.I. Amend. IX.)

No railroad corporation organized under laws of any other state, or United States, shall have the right to exercise eminent domain until incorporated in accordance with and pursuant to laws of this state. (Ky. 211; Nebr. XI 8.)

No railroad, oil pipe line, telephone, telegraph, express or car corporation organized under laws of any other state, or of United States, and doing business, or proposing to do business in state, to be entitled to benefit of right of eminent domain in state until it shall have become body corporate pursuant to or in accordance with laws of state. (Okla. IX 31.)

EXCESS CONDEMNATION

Legislature may authorize cities to take in addition to land needed for actual construction in laying out, widening, extending or relocating parks, public places, highways and streets, enough to make abutting building lots. Land not used for improvement may be sold or leased. (N.Y. I 7.)

Municipality acquiring property for public use, may acquire an excess over need for the improvement and may sell it "with restrictions, appropriate to preserve improvement". Bonds may be issued to pay for excess, bonds to be a lien against the property acquired for improvement and excess and shall not be a liability of municipality or included in legal limitation of debt of municipality. (Ohio XVIII 10.)

Legislature may by special acts for the purpose of laying out, widening or relocating highways or streets, authorize taking of more land than necessary for actual construction, by the state or a county, city or town, provided that such land and property are specified in the act and are no more than enough for building lots on both sides of street or highway; and may authorize the sale of property remaining after enough for streets has been taken, for value with or without suitable restrictions. (Mass. Amend. 39.)

State or any of its cities may acquire by gift, purchase or condemnation lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of same; and after establishment, layout and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning future use and occupation of such real estate, so as to protect such public works and improvements, and their environs, and to preserve the view, appearance, light, air, and usefulness of such public works. (Wis. XI 3a.)

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EMPLOYER'S LIABILITY, *See* LABOR.

ENGINEER, STATE, *See* STATE ENGINEER.

ENTAIL, *See* PROPERTY — PRIMOGENITURE AND ENTAIL.

EQUALIZATION, STATE BOARD OF

Composed of governor, auditor, treasurer, secretary of state and attorney-general. (Colo. X 15; Ida. VII 12; Mo. X 18; Mont. XII 15; Utah XIII 11.)

Same; adds state examiner and inspector, and president of board of agriculture. (Okla. X 21.)

Composed of auditor, treasurer and secretary of state. (Wyo. XV 9.)

Composed of one member from each congressional district as existing in 1879, elected by qualified electors of districts at general election in 1886 and at each gubernatorial election thereafter. Term of office, four years. Comptroller *ex officio* member. Legislature may redistrict state into four districts as nearly equal in population as practicable and provide for election of members of board. (Cal. XIII 9.)

In 1911, every fifth year thereafter, and at such other times as legislature may direct, legislature to provide by law for state board. (Mich. X 8.)

Member during term of office not to accept, hold or use free pass nor purchase, receive or accept transportation over railroad within state for himself or family on terms not open to general public, and on conviction to forfeit office, be guilty of felony, and punished by fine of not more than $1,000 or by imprisonment in penitentiary not less than one nor more than five years. (N.M. XX 14.)

No railroad or other transportation company to grant free passes or tickets, or passes or tickets at discount to member, and acceptance of such pass or ticket by such officer to be forfeiture of office. (Mo. XII 24.)

ESCHEATS

Estates of suicides, *See* SUICIDES.

Part of school fund, *See* EDUCATION.

Holding real estate by corporation longer than five years, except such as necessary and proper for business, forbidden under penalty of escheat. (Ky. 192.)

All lands the title to which shall fail from a defect of heirs, to revert or escheat to the people. (N.Y. I 10; S.C. XIV 3; Wis. IX 3.)

State board of, composed of secretary of state, treasurer and commissioner of state land office; if latter office abolished another state officer to be designated by law as member of board. (Mich. VI 20.)

EVIDENCE

For right of accused to obtain and to be confronted with witnesses, See CRIMES — RIGHTS OF ACCUSED.

CONFIDENTIAL COMMUNICATIONS

Legislature to provide for protecting confidential communications to physicians by patients. (La. 297.)

DEPOSITIONS

Legislature may provide for taking, in presence of party accused and counsel, depositions of witnesses, in criminal cases other than homicide, when reason to believe that witness from inability or other causes will not attend trial. (Cal. I 13.)

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EVIDENCE (*Cont'd*)

DEPOSITIONS (*Cont'd*)

Provision may be made by law for taking of deposition by accused or by state to be used for or against accused, of any witness whose attendance cannot be had at trial, securing accused opportunity to be present in person and with counsel at taking of deposition and to examine witness face to face as fully and in same manner as if in court. (Ohio I 10.)

If witness cannot give security, deposition taken by some judge of highest court, general trial court or county court at earliest time he can attend at convenient place by him appointed, with reasonable notice to accused and attorney for people; accused to have right to appear in person and by counsel; if he has no counsel judge to assign him one in that behalf only; on completion of examination witness to be discharged on own recognizance entered into before the judge; deposition not to be used if in opinion of court personal attendance of witness might be procured by prosecution or is procured by accused; no exception to be taken to deposition as to matters of form. (Colo. II 17.)

Of witnesses examined in registers' courts to be taken at large in writing and made part of the proceedings in the cause. (Del. IV 33.)

General trial courts for civil cases only have power to direct examination of witnesses who are aged, infirm or going out of state, upon interrogatories *de bene esse*, read in evidence in case of departure or death of witnesses before trial, or inability, by reason of age, sickness, bodily infirmity or imprisonment to attend; also power of obtaining evidence from places not within state. (Del. IV 24.)

EQUITY CASES

Testimony in equity cases taken in like manner as in cases at law. (N.Y. VI 3; Wis. VII 19.)

ERROR IN ADMITTING

No judgment to be set aside or new trial granted on ground of improper admission or rejection of evidence unless after examination of entire cause, including evidence, court is of opinion that error complained of has resulted in miscarriage of justice. (Cal. VI 4½ (1914).)

EXPERT TESTIMONY

Laws may be passed for regulation of use of expert witnesses and expert testimony in criminal trials and proceedings. (Ohio II. 39.)

HUSBAND AND WIFE

Not compelled to testify against each other (not clear whether limited to criminal cases). (Utah I 12.)

INCRIMINATING EVIDENCE

No subject shall be compelled to accuse or furnish evidence against himself. (Mass. Pt. I 12; N.H. I 15.)

No person compelled to give testimony tending to incriminate himself in any way. (Ga. I Sec. I 6.)

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EVIDENCE (*Cont'd*)

INCRIMINATING EVIDENCE (*Cont'd*)

No person to be compelled to give evidence which will tend to incriminate him, but person having knowledge or possession of facts tending to establish guilt of any other person or corporation charged with offense against laws of state not to be excused from giving testimony or producing evidence when legally called on, on ground it may tend to incriminate him; not to be prosecuted or subject to any penalty or forfeiture on account of any transaction, matter or thing concerning which he may so testify or produce evidence. (Okla. II 21, 27.)

No person compelled to give evidence against himself in criminal case, or in any proceeding that may subject him to criminal prosecution, except as otherwise provided in constitution. (La. 11.)

No person shall be a witness against himself. (Kan. B.R. 10.)

No man ought to be compelled to give evidence against himself in a criminal case. (Md. D.R. 22.)

No person to be compelled in criminal case to give evidence against himself. (Ill. II 10; Nebr. I 12; N.C. I 11; S.D. VI 9; Vt. I 10; Va. I 8; Wash. I 9.)

No person to be compelled in criminal case to be witness against himself. (Ark. II 8; Cal. I 13; Fla. D.R. 12; Ida. I 13; Mich. II 16; Minn. I 7; Nev. I 8; N.Y. I 6; N.D. I 13; Ohio I 10; S.C. I 17; Wis. I 8.)

No person to be compelled to testify against himself in criminal case. (Colo. II 18; Ind. I 14; Mo. II 23; Mont. III 18; N.M. II 15; Ore. I 12; Wyo. I 11.)

No person in court of common law compelled to give evidence incriminating himself. (R.I. I 13.)

Accused in criminal prosecutions not compelled to give evidence against himself. (Ala. I 6; Conn. I 9; Del. I 7; Ky. B.R. 11; Me. D.R. 6; Miss. III 26; Pa. I 9; Tenn. I 9; Tex. I 10; Utah I 12.)

Persons having knowledge or possession of facts tending to establish guilt of any person or corporation charged with bribery or illegal rebating not to be excused from giving testimony or producing evidence when legally called, on ground that it may tend to incriminate them; not to be prosecuted, or subject to any penalty or forfeitures on account of any transaction, matter or thing concerning which they may so testify or produce evidence. (Ariz. II 19.)

Persons or officers or agents of corporation giving free pass, transportation, franking privilege or prohibited discrimination, not to be excused from testifying in relation thereto; not to be liable to civil or criminal prosecution therefor if he testifies to giving same. (La. 191; N.Y. XIII 5.)

Compelling testimony in cases of bribery or corrupt solicitation

See PUBLIC OFFICERS.

See LEGISLATURE.

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EVIDENCE (*Cont'd*)

INCRIMINATING EVIDENCE (*Cont'd*)

Person's failure in criminal cases to testify may be considered by the court and jury and made the subject of comment by counsel. (Ohio I 10.)

Right of accused to testify in own behalf, *See* CRIMES — RIGHTS OF ACCUSED.

LOCAL, PRIVATE OR SPECIAL LAWS

Legislature not to pass local or special laws changing rules of evidence. (Ariz. IV Pt. II 19.)

Legislature not to pass local or special laws changing rules of evidence in any trial or inquiry. (Colo. V 25; Mont. V 26; N.M. IV 24; N.D. II 69; Wyo. III 27.)

Legislature not to pass any local or special law changing rules of evidence in any judicial proceeding or inquiry before courts. (La. 48.)

Legislature not to enact any local, special or private law changing rules of evidence in any judicial proceeding or inquiry before courts or other tribunals. (Va. IV 63.)

Legislature not to pass local or special law changing rules of evidence in any judicial proceeding or inquiry before courts, justices of peace, sheriffs, commissioners, arbitrator or other tribunals. (Mo. IV 53; Okla. V 46; Tex. III 56.)

Legislature not to pass local or special law changing rules of evidence in any judicial proceeding or inquiry before courts, aldermen, justice of peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals. (Pa. III 7.)

No act of legislature to change rules of evidence in pending case. (N.M. IV 34.)

RECORD AS PROOF OF EXECUTION

Deeds and mortgages proved for record and recorded according to law to be *prima facie* evidence in courts without proof of execution. Certified copy of record of deed or mortgage admitted as *prima facie* evidence of record and of its due execution with like effect as original, if original is not within custody or control of party offering copy. (Fla. XVI 21.)

WITNESSES, *See* WITNESSES.

EX POST FACTO LAWS

See also RETROSPECTIVE LAWS.

Expressly prohibited. (Ala. I 22; Ariz. II 25; Ark. II 17; Cal. I 16; Colo. II 11; Fla. D.R. 17; Ga. I Sec. III 2; Ida. I 16; Ill. II 14; Ind. I 24; Iowa I 21; Ky. 19; La. 166; Me. I 11; Mich. II 9; Minn. I 11; Miss. III 16; Mo. II 15; Mont. III 11; Nebr. I 16; Nev. I 15; N.J. IV Sec. VII 3; N.M. II 19; N.D. I 16; Okla. II 15; Ore. I 21; Pa. I 17; R.I. I 12; S.C. I 8; S.D. VI 12; Tenn. I 11; Tex. I 16; Utah I 18; Va. IV 58; Wash. I 23; W.Va. III 4; Wis. I 12; Wyo. I 35.)

"Laws made to punish for actions done before the existence of such laws and which have not been declared crimes by preceding laws are unjust, oppressive, and inconsistent with the fundamental principles of a free government." (Mass. Pt. I 24.)

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EX POST FACTO LAWS (*Cont'd*)

Ex post facto laws ought not be made. (Md. D.R. 17; N.C. I 32.)

No person to be accused, arrested or detained, except in cases ascertained by law, and according to form which same has prescribed; and no person to be punished, but by virtue of law established and promulgated prior to offense and legally applied. (Ala. I 7.)

No person deprived by law of any right and privilege because of any act done prior to passage of such law. (W.Va. III 11.)

No retrospective laws for punishment of offenses should be made. (N.H. I 23.)

EXAMINER, STATE, *See* STATE EXAMINER.

EXAMINERS, BOARD OF

Composed of governor, secretary of state and attorney-general; to examine claims against state except salaries or compensation of officers fixed by law, and perform other duties prescribed by law. (Ida. IV 18; Mont. VII 20; Nev. V 21; Utah VII 13.)

EXECUTIVE COUNCIL, *See* GOVERNOR — COUNCIL.

EXECUTIVE DEPARTMENT

For provisions relating to officers of the executive department, See PUBLIC OFFICERS.

COMPOSITION

Governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, commissioner of agriculture and industries and a sheriff for each county. (Ala. V 112.)

Governor, secretary of state, treasurer, auditor, attorney-general. (Ark. VI 1.)

Governor, secretary of state, auditor, treasurer, attorney-general and superintendent of public instruction. (Ariz. V 1; Utah VII 1.)

Governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, superintendent of public instruction. (Colo. IV 1; Ida. IV 1; Ill. V 1; Kan. I 1; Mont. VII 1; N.C. III 1.)

Governor to be assisted by following administrative officers: secretary of state, treasurer, comptroller, attorney-general, superintendent of public instruction and commissioner of agriculture. (Fla. IV 20.)

Governor, secretary of state, comptroller-general, treasurer. (Ga. V Sec. I 1.)

Governor, lieutenant-governor, auditor, treasurer and secretary of state. (La. 61.)

Governor, lieutenant-governor, secretary of state, auditor, treasurer and attorney-general. (Minn. V 1; Ohio III 1.)

Governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general and superintendent of public schools. (Mo. V 1.)

Governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney-general, commissioner of public lands and buildings; no other executive state office to be continued or created, and duties of other existing officers to be performed by above. (Nebr. V 1, 26.)

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EXECUTIVE DEPARTMENT (*Cont'd*)

COMPOSITION (*Cont'd*)

Governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, superintendent of public instruction and commissioner of public lands. (N.M. V 1; Wash. III 1.)

Executive authority of state to be vested in governor, lieutenant-governor, secretary of state, auditor, attorney-general, treasurer, superintendent of public instruction, state examiner and inspector, chief mine inspector, commissioner of labor, commissioner of charities and corrections, commissioner of insurance and other officers provided by law and constitution. (Okla. VI 1.)

Governor, lieutenant-governor, secretary of commonwealth, attorney-general, auditor-general, treasurer, secretary of internal affairs, superintendent of public instruction. (Pa. IV 1.)

Governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, commissioner of general land office. (Tex. IV 1.)

Governor, secretary of state, auditor, treasurer, attorney-general and state superintendent of free schools. (W.Va. VII 1.)

PROCEEDINGS

Conducted, preserved and published in no other than English language. (Cal. IV 24; Ill. Sched. 18.)

EXECUTIVE POWER

See also DISTRIBUTION OF POWERS.

WHERE VESTED

Supreme executive power vested in governor. (Ala. V 113; Ark. VI 2; Cal. V 1; Colo. IV 2; Conn. IV 1; Del. III 1; Fla. IV 1; Ida. IV 5; Ill. V 6; Iowa IV 1; Kan. I 3; Ky. 69; La. 62; Me. V Pt. I 1; Mass. Pt. II Ch. II Sec. I 1; Mo. V 4; Mont. VII 5; Nebr. V 6; Nev. V 1; N.H. II 40; N.M. V 4; N.C. III 1; Ohio III 5; Okla. VI 2; Pa. IV 2; S.C. IV 1; Tenn. III 1; Vt. II 3; Wash. III 2.)

Chief executive power vested in governor. (Mich. VI 2; Miss. V 116; Ore. V 1; R.I. VII 1; Tex. IV 1; Va. V 69; W.Va. VII 5.)

Executive power vested in governor. (Ga. V Sec. I 2; Ind. V 1; Md. II 1; N.J. V 1; N.Y. IV 1; N.D. III 71; S.D. IV 1; Wis. V 1; Wyo. IV 1.)

Executive authority of state to be vested in governor, lieutenant-governor, secretary of state, auditor, attorney-general, treasurer, superintendent of public instruction, state examiner and inspector, chief mine inspector, commissioner of labor, commissioner of charities and corrections, commissioner of insurance and other officers provided by law and constitution. (Okla. VI 1.)

Governor to take care that laws are faithfully executed. (Ala. V 120; Ariz. V 4; Ark. VI 7; Cal. V 7; Colo. IV 2; Conn. IV 9; Del. III 17; Fla. IV 6; Ga. V Sec. I 12; Ida. IV 5; Ill. V 6; Ind. V 16; Iowa IV 9; Kan. I 3; Ky. 81; La. 75; Me. V Pt. I 12; Md. II 9; Mich. VI 3; Minn. V 4; Miss. V 123; Mo. V 6; Mont. VII 5; Nebr. V 6; Nev. V 7; N.J. V 6; N.M. V 4; N.Y. IV 4; N.C. III 7; N.D. III 75; Ohio III 6; Okla. VI 8; Ore. V 10; Pa.

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EXECUTIVE POWER (*Cont'd*)

WHERE VESTED (*Cont'd*)

IV 2; R.I. VII 2; S.D. IV 4; Tenn. III 10; Tex. IV 10; Utah VII 5; Vt. II 20; Va. V 73; Wash. III 5; W.Va. VII 5; Wis. V 4; Wyo. IV 4.)

Governor to take care that laws are faithfully executed in mercy. (S.C. IV 12.)

Governor to expedite measures resolved on by legislature. (N.Y. IV 4; N.D. III 75; S.D. IV 4; Vt. II 20; Wis. V 4; Wyo. IV 4.)

Governor may grant such licenses as shall be directed by law. (Vt. II 20.)

For composition of executive department, See EXECUTIVE DEPARTMENT.

USE OF MILITIA IN EXECUTION OF LAWS, *See* MILITIA.

POWER OF SUSPENDING EXECUTION OF LAWS

As to power of suspending laws, See LAWS.

By any authority without consent of representatives of the people, is injurious to their rights and ought not to be exercised. (Va. I 7.)

Ought not to be exercised or allowed unless by or derived from the legislature. (Md. D.R. 9.)

To be exercised only by legislature or by its authority in particular cases expressly provided for by it. (S.C. I 13.)

Ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as legislature shall expressly provide for. (Mass. Pt. I 20; N.H. I 29.)

Ought never to be exercised but by legislature, or by authority derived from it, to be exercised in such particular cases as this constitution, or the legislature shall provide for. (Vt. I 15.)

EXEMPTIONS FROM ARREST

See ELECTIONS — PRIVILEGES OF ELECTORS.

See LEGISLATURE — MEMBERS.

See MILITIA.

EXEMPTIONS FROM FORCED SALE

IN GENERAL

Legislature to pass liberal homestead and exemption laws. (Colo. XVIII 1; Ill. IV 32; Mont. XIX 4.)

Right of debtor to be recognized by law. (Ind I 22; Nev. I 14; N.D. XVII 208; S.D. XXI 4; Wis. I 17.)

Property not to be exempted from levy or sale by local, private or special law. (Ala. IV 104.)

WHO EXEMPTED

In General

Heads of families. (Cal. XVII 1; N.D. XVII 208; S.D. XXI 4; Utah XXII 1; Va. XIV 190; Wash. XIX 1.)

Every head of a family, or guardian, trustee of family of minor children, or every aged or infirm person, or person having care or support of dependent females of any age, who is not head of family. (Ga. IX Sec. I 1.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

WHO EXEMPTED (*Cont'd*)

In General (*Cont'd*)

Head of a family or person having a mother or father, or a person or persons dependent upon him for support. No husband to have benefit of homestead in case wife owns and is in actual enjoyment of property or means to amount of $2,000. (La. 244.)

Heads of families and unmarried adults, male and female, to be exempt as to personal property; homestead "of a family". (Tex. XVI 49, 50.)

Head of family in possession of homestead. (Tenn. XI 11.)

Head of family residing within state and owning the property. (Fla. X 1.)

Resident of state. (Ala. X 204, 205; Mich. XIV 1, 2; N.C. X 1, 2.)

Same; woman having separate estate married to head of family not having enough property to constitute homestead. (S.C. III 28.)

Personal property of resident of state; homestead of resident of state who is married or head of family. (Ark. IX 1, 2, 3.)

Husband or parent residing in state. (W.Va. VI 48.)

Householder. (Va. XIV 190.)

Homestead "of a family"; nothing in laws of United States, or any treaties with Indian tribes in state to deprive any Indian or other allottee of benefit of homestead and exemption laws (legislature may change or amend). (Okla. XII 1, 3.)

After Death of Person Exempted

Exemptions provided for to inure to widow and heirs of party entitled. (Fla. X 2.)

Infant children of deceased parents to hold homestead exempt. (W.Va. VI 48.)

Surviving spouse, or minor child or children of a deceased beneficiary to be exempt. (La. 244.)

Homestead to inure to benefit of widow; and to be exempt during minority of children occupying same. (Tenn. XI 11.)

After death of owner, homestead of family to be exempt from payment of debts contracted since July 13, 1868, or after ratification of constitution, during minority of children. If owner die, leaving a widow, but no children, homestead to be exempt, and rents and profits to inure to her benefit. (Ala. X 206, 208.)

After death of owner, homestead of family to be exempt from payment of his debts in all cases during minority of children. If owner die, leaving widow but no children, homestead to be exempt, rents and profits to accrue to her benefit during time of her widowhood, unless she be owner of homestead in her own right. (Mich. XIV 3, 4.)

After death of owner homestead to be exempt from payment of any debt during minority of children, or any one of them. If widow be left but no children, homestead to be exempt from

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)
WHO EXEMPTED (*Cont'd*)
After Death of Person Exempted (*Cont'd*)
debts of husband; rents and profits thereof to inure to her benefit during widowhood, unless she be owner of homestead in her own right. (N.C. X 3, 5.)
On death of husband or wife, or both, to descend and vest in like manner as other real property of deceased, and to be governed by same laws of descent and distribution, but not to be partitioned among heirs of deceased during lifetime of surviving husband or wife or so long as survivor may elect to use or occupy as a homestead, or so long as guardian of minor children of deceased may be permitted, under order of proper court having jurisdiction, to use and occupy. (Tex. XVI 52.)
If owner of homestead die leaving widow, but no children, and widow has no separate homestead in her own right, same to be exempt; rents and profits to vest in her during her natural life, provided that if owner leaves children, one or more, they shall share with widow and be entitled to half of rents and profits till each arrives at 21 years, when each child's rights to cease and shares to go to younger children, and then to go to widow. Homestead exemption to inure to benefit of minor children after decease of parents. Widow or children may reside on homestead or not. (Ark. IX 6, 10.)
WHAT EXEMPTED
In General
Reasonable amount of property. (Ind. I 22; Nev. I 14; Wis. I 17.)
Same; "to be determined by law". (Minn. I 12.)
Legislature to protect by law a certain portion of homestead and other property of heads of families. (Cal. XVII 1; Wash. XIX 1.)
Legislature to provide by law for exemption of reasonable amount of property of debtor, not exceeding $500. (Md. III 44.)
In addition to articles now exempted from levy or distress for rent, real and personal property, or either, including money and debts due him, to value of not exceeding $2,000 to be selected by him, to be exempt. (Va. XIV 190.)
Real or personal property of railroad liable to execution or sale as in case of individuals; no law to be passed exempting same. (Okla. IX 7; Tex. X 4.)
No judgment creditor or other creditor whose lien does not bind homestead shall have any right or equity to require that a lien which embraces homestead and other property shall first exhaust homestead. (S.C. III 28.)
Homestead
Legislature to protect a certain portion of homestead and other property of heads of families. (Cal. XVII 1; Wash. XIX 1.)
Homestead, as provided by law, to be exempt. (Nev. IV 30; Wyo. XIX Homesteads 1.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

WHAT EXEMPTED (*Cont'd*)

Homestead (*Cont'd*)

Value of homestead to be limited and defined by law. (N.D. XVII 208; S.D. XXI 4.)

Homesteads of value of $1,000 to be exempt. (W.Va. VI 48.)

Homesteads in possession of head of family, and improvements thereon to value in all of $1,000 to be exempt. (Tenn. XI 11.)

Legislature to enact laws to exempt homestead in lands whether held in fee or any lesser estate to value of $1,000, or as much as property is worth if its value is less than $1,000, with yearly products thereof. No more than that to husband and wife jointly. (S.C. III 28.)

Homestead and dwellings and buildings used therewith, not exceeding $1,000, in value, or in lieu thereof at option of owner, any lot in a city, or village, with dwelling and buildings used thereon, owned and occupied by any resident of state and not exceeding $1,000 in value, to be exempt. (N.C. X 1.)

Legislature to provide by law for exemption of a homestead to consist of one or more parcels of land together with appurtenances and improvements to value of at least $1,500. (Utah XXII 1.)

Homestead and personal property to value in aggregate of $1,600 with improvements, to be exempt. (Ga. IX Sec. I 1, Sec. II 1.)

Homestead not exceeding 40 acres of land, dwelling house thereon and appurtenances selected by owner and not included in any town plat, city or village; or instead, at option of owner, any lot in any city, village or recorded town plat, or such parts of lots as shall be equal thereto, and dwelling house thereon and its appurtenances, owned and occupied by any resident of state, not exceeding in value $1,500, to be exempt. (Mich. XIV 2.)

Homestead not exceeding 80 acres including dwelling and appurtenances, to be selected if not in city, town or village; or in lieu thereof, if in city, town or village, at option of owner, any lot with dwelling and appurtenances owned and occupied by a resident of state, and not exceeding in value $2,000, to be exempt. (Ala. X 205.)

One hundred and sixty acres of farming land, or one acre within limits of incorporated town or city, occupied as residence by family of owner, together with improvements, to be exempt. (Kan. XV 9.)

Homestead *bona fide* owned by debtor, not exceeding 160 acres, occupied by him, with buildings and appurtenances, of every head of family, or person having a mother or father, or a person or persons dependent upon him for support, to be exempt. But not to exceed $2,000 in value inclusive of personal property; if homestead exceeds $2,000 in value, beneficiary to be entitled to that amount in case sale under legal process realizes more than that sum. (La. 244, 245.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

WHAT EXEMPTED (*Cont'd*)

Homestead (*Cont'd*)

One hundred and sixty acres, or one-half acre within limits of incorporated city or town, and improvements; exemption in city or town not to extend to more improvements or buildings than residence and business house of owner. Reduction in area not permitted when subsequently included within limits of incorporated city or town, without consent of owner. (Fla. X 1, 5.)

If not within city, town or village, homestead to consist of not more than 160 acres of land which may be in one or more parcels to be selected by owner; if within city, town or village, owned and occupied as a residence only, to consist of not exceeding one acre of land to be selected by owner; provided same not to exceed in value $5,000 and in no event be reduced to less than one-quarter of an acre without regard to value, and in case it is used for both residence and business purposes, the interests therein shall not exceed in value $5,000. Temporary renting not to change character when no other has been acquired. (Legislature may change or amend.) (Okla. XII 1, 3.)

Homestead outside city, town or village owned and occupied as a residence to consist of not exceeding 160 acres of land with improvements, selected by owner; not to exceed in value $2,500 and in no event to be reduced to less than 80 acres without regard to value. If in city, town or village, owned and occupied as a residence, to consist of not exceeding one acre of land, with improvements, to be selected by owner; not to exceed in value $2,500 and in no event to be reduced to less than one-quarter of an acre without regard to value. (Ark. IX 4, 5.)

If not in town or city, to consist of not more than 200 acres of land which may be in one or more parcels, with improvements thereon; if in city, town or village, to consist of lot or lots not to exceed in value $5,000 at time of designation, without reference to value of improvements. To be homestead, must be used for purposes of home, or as place to exercise calling or business of head of family; any temporary renting not to change character of when no other homestead has been acquired. (Tex. XVI 51.)

Personal Property

Legislature to have power and it shall be its duty to provide for exemption of certain portion of personal property. (Tex. XVI 49.)

Reasonable amount of personal property, kind and value to be fixed by general laws, to be exempt. (N.D. XVII 208; S.D. XXI 4.)

Personal property to value of $200 to be exempt. (W.Va. VI 48.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

WHAT EXEMPTED (*Cont'd*)

Personal Property (*Cont'd*)

Resident not married or head of family to be exempt in specific articles to be selected by him, not exceeding in value $200 in addition to his wearing apparel; if married or head of family, in specific articles to be selected by him, not exceeding in value $500 in addition to his wearing apparel and that of his or her family. (Ark. IX 1, 2.)

Personal property as designated by law not less than $500, to be exempt. (Mich. XIV 1.)

Personal property to value of $500 to be selected by resident, to be exempt. (N.C. X 1.)

Legislature to provide for exemption of personal property to value of $500 or so much as property is worth if its value is less than $500. No more than this in case husband and wife each are exempt. In case of person not head of family, a like exemption as provided for head of family in all necessary wearing apparel, tools and implements of trade, not to exceed in value $300. (S.C. III 28.)

One thousand dollars' worth of personal property, to be exempt. (Ala. X 204; Fla. X 1.)

Realty or personalty, together with improvements thereon, or both, to value in aggregate of $1,600. (Ga. IX Sec. I 1, Sec. II 1.)

Two work horses, one wagon or cart, one yoke of oxen, two cows and calves, 25 head of hogs, or 1,000 pounds of bacon or its equivalent in pork, whether any of these objects be attached to a homestead or not. On a farm, necessary quantity of corn and fodder for current year, necessary farming implements, to value of $2,000, inclusive of homestead, to be exempt. (La. 244.)

Yearly products of homestead to be exempt, *See above, this subdivision*, HOMESTEAD.

Selection

Exempted property to be selected by person exempted. (Ala. X 204, 205; Ark. IX 1, 2, 4, 5; N.C. X 1, 2; Okla. XII 1; Va. XIV 190.)

Legislature to provide for "selection" by head of each family. (Utah XXII 1.)

Legislature to prescribe manner and conditions on which householder or head of family shall set apart homestead; but legislature not authorized to defeat or impair benefits intended to be conferred by this article. (Va. XIV 192.)

Legislature to provide as early as practicable for setting apart and valuation of exempted property, but nothing to be construed to affect or repeal existing laws contained in code and acts amendatory thereto. Optional with applicant to take either, but not both of such exemptions. Applicant may at

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)
WHAT EXEMPTED (*Cont'd*)
Selection (*Cont'd*)
any time supplement his exemption by adding to an amount already set apart, which is less than whole amount of exemption allowed, a sufficiency to make exemption equal to whole amount. (Ga. IX Sec. IV 1, Sec. VI 1.)
Legislature to prescribe by law rules and regulations necessary to ascertain value of real and personal property exempted from sale under legal process by constitution, and to secure same to claimant thereof as selected. (Ala. IV 92.)
"Title to the homestead to be set off and assigned, to be absolute." (S.C. III 28.)
FROM WHAT EXEMPTED
In General
From execution. (Md. III 44.)
From forced sale. (Cal. XVII 1; Wash. XIX 1.)
Property to be exempted by law from forced sale. (N.D. XVII 208; S.D. XXI 4.)
Portion of personal property to be protected by law from forced sale. Homestead to be protected from forced sale for payment of debts. (Tex. XVI 49, 50.)
Property to be exempt from forced sale, subject to regulations prescribed by law; exemption not to affect debts or liabilities existing at adoption of constitution. (W.Va. VI 48.)
Homestead to be exempt from forced sale for payment of debts. (Legislature may change or amend.) (Okla. XII 2, 3.)
From forced sale under process of any court; exemption applicable to all debts, except as specified in constitution; no judgment or decree or execution to be lien on exempted property except as provided in this article. (Fla. X 1, 2.)
Homesteads to be exempt from forced sale under process of law. (Kan. XV 9; Nev. IV 30; Wyo. XIX Homesteads 1.)
Homesteads to be exempt from forced sale on execution or any other final process from a court. (Mich. XIV 2.)
Homesteads to be exempt from sale under legal process. (Tenn. XI 11.)
Homestead exempt from sale on execution. (Utah XXII 1.)
Property exempted from sale under execution, or other final process of any court issued for collection of any debt. (N.C. X 1, 2.)
Personal property to be exempted from sale on execution or other final process of any court. (Mich. XIV 1.)
Property to be exempt from sale on execution or other process of any court, issued for collection of any debt contracted since 13th day of July, 1868, or after ratification of constitution. (Ala. X 204, 205.)
Homestead not to be subject to lien of any judgment, decree of any court, or to sale under execution or other process. (Ark. IX 3.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

FROM WHAT EXEMPTED (*Cont'd*)

In General (*Cont'd*)

Personal property to be exempt from seizure on attachment, or sale on execution or other process from any court issued for collection of debt by contract. (Ark. IX 1, 2.)

Property to be exempted from seizure and sale by any process whatever, except as herein provided; no court or ministerial officer of state to have jurisdiction or authority to enforce any judgment, execution or decree against property exempted as homestead, except as provided. (La. 244, 245.)

From seizure or sale for payment of any debt or liability. (Minn. I 12.)

From seizure or sale for payment of any debt or liability hereafter contracted. (Ind. I 22; Nev. I 14; Wis. I 17.)

From levy, seizure, garnishment or sale under any execution, order or other process issued on any demand for debt hereafter contracted. (Va. XIV 190.)

From attachment, levy and sale under any mesne or final process issued from any court. Title to homestead set off to be absolute and forever discharged from debts then existing or thereafter contracted except as provided. (S.C. III 28.)

Realty or personalty or both, to be exempt from levy and sale under any process whatever, under laws of state. No court or ministerial officer to have jurisdiction or authority to enforce any judgment, execution or decree against property set apart for such purpose. (Ga. IX Sec. I 1, Sec. II 1.)

Exceptions

Taxes

No property to be exempt from sale for taxes. (Kan. XV 9; Nev. IV 30; N.C. X 2; W.Va. VI 48; Wyo. XIX Homesteads 1.)

Same; adds "or assessments". (Fla. X 1.)

Property not to be exempt from attachment, levy or sale for taxes. (S.C. III 28.)

Homestead not to be exempt from debts for taxes. (Tex. XVI 50.)

Exemption not to apply to debts for taxes or assessments. (La. 245.)

Exemption not to operate against public taxes. (Tenn. XI 11.)

Homestead not exempt from lien of judgment, decree of court, sale under execution or other process, for taxes. (Ark. IX 3.)

Property not to be exempt from payment of debts for taxes due. (Legislature may change or amend.) (Okla. XII 2, 3.)

Exemption not to extend to any execution, order or other process issued on demand for lawful claim for taxes, levies

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)
FROM WHAT EXEMPTED (*Cont'd*)
Exceptions (*Cont'd*)
Taxes (*Cont'd*)
or assessments accruing after June 1, 1866. (Va. XIV 190.)
Court or ministerial officer in state to have power to enforce judgment, execution or decree against exempted property for taxes. (Ga. IX Sec. II 1.)
Purchase Money
Exemption not to extend to obligations contracted for purchase of premises. (Fla. X 1; Kan. XV 9; Nev. IV 30; N.C. X 2; Wyo. XIX Homesteads 1.)
No exemption for payment of purchase money due upon property. (W.Va. VI 48.)
Exemption not to extend to debts for purchase price of property or any part of such price. (La. 245.)
Homestead not exempt from debts for purchase money or part of it. (Tex. XVI 50.)
Property not to be exempt from obligations contracted for purchase of homestead or personal property exemption. (S.C. III 28.)
Exemption not to operate against debts contracted for purchase money of homestead. (Tenn. XI 11.)
Court or ministerial officer in state to have power to enforce judgment, execution or decree against exempt property for purchase money. (Ga. IX Sec. II 1.)
Property not exempt from lien of judgment, decree of court, sale under execution or other process when rendered for purchase money. Personal property of resident, not married or head of family, not to be exempt from execution for debts contracted for purchase money while in hands of vendee. (Ark. IX 1, 3.)
Homestead not to be exempt from debts for purchase money or part of it. No property to be exempt for any part of purchase price while same or any part remains in possession of original vendee or any purchaser from vendee with notice. (Legislature may change or amend.) (Okla. XII 2, 3.)
Exemption not to extend to any execution, order or other process issued on demand for purchase price of property. If purchased and not paid for, and exchanged for or converted into other property by debtor, not to be exempted from payment of such unpaid purchase money. (Va. XIV 190.)
Improvements
Exemption not to extend to obligations contracted for erection of on property. (Kan. XV 9; Nev. IV 30; Wyo. XIX Homesteads 1.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

FROM WHAT EXEMPTED (*Cont'd*)

Exceptions (*Cont'd*)

Improvements (*Cont'd*)

Homesteads not exempt from lien of judgment, decree of court, sale under execution or other process for specific lien, laborers' or mechanics' liens for improving property. (Ark. IX 3.)

Exemption not to apply to payment of obligations contracted for erection or repair of improvements. (Fla. X 1.)

Exemption not to apply to judgment, execution or decree against exempted property for labor done thereon or material furnished therefor. (Ga. IX Sec. II 1.)

Exemption not to extend to debts for labor, money and material furnished for improving homesteads. (La. 245.)

Property not exempted for debts incurred to any person for work done or materials furnished in improvement of exempted property. (Minn. I 12.)

Provision not to prevent liens against homestead for labor and materials in improvement, in manner prescribed by law. (N.D. XVII 208.)

Exemption not to apply to debts for work and material used in constructing. (Legislature may change or amend.) (Okla. XII 2, 3.)

Exemption not to apply to obligations contracted for erection or making of. (S.C. III 28.)

Exemption not to extend to debts contracted for improvements. (Tenn. XI 11.)

Exemption of homestead not to apply to debts for work and materials in constructing homestead, only when work and material contracted for in writing, with consent of wife given in same manner as required in making a sale and conveyance of homestead. (Tex. XVI 50.)

Exemption not to extend to debts contracted for erection of improvements. (W.Va. VI 48.)

Building, Construction or Repair

Exemption not to extend to debts for labor, money and material furnished for building or repairing homesteads. (La. 245.)

Property not exempted for debts incurred to any person for work done or materials furnished in construction or repair. (Minn. I 12.)

Exemption not to extend to obligations contracted for making of repairs. (S.C. III 28.)

Labor Performed

Exemption provisions not to be construed to prevent laborers' lien for work done and performed for person claiming such exemption, or a mechanics' lien for work done on premises. (Ala. X 207.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)
FROM WHAT EXEMPTED (*Cont'd*)
Exceptions (*Cont'd*)
Labor Performed (*Cont'd*)
Homestead not exempt from lien of judgment, decree of court, sale under execution or other process for specific liens, laborers' or mechanics' liens for improving property. (Ark. IX 3.)
No property exempt from payment of obligations contracted for house, field or other labor performed on same. (Fla. X 1.)
Court or ministerial officer in state to have power to enforce judgment, execution or decree against exempt property for labor done thereon. (Ga. IX Sec. II 1.)
Exemption not to extend to debts for labor furnished for building, repairing or improving homesteads. (La. 245.)
Exempt property liable for debts incurred to any person for work done in construction, repair or improvement of same; liability to seizure and sale to extend to real property for debt to any laborer or servant for labor or service performed. (Minn. I 12.)
Exemption not to prevent laborers' lien for work done and performed for persons claiming exemptions or mechanics' lien for work done on premises. (N.C. X 4.)
Exemption not to be construed to prevent liens against homesteads for labor done in improvement thereof, in manner prescribed by law. (N.D. XVII 208.)
Homestead not to be exempt from debts for work used in constructing improvements. (Legislature may change or amend.) (Okla. XII 2, 3.)
Homestead not to be exempt from debts for work used in constructing improvements thereon, if contracted for in writing, with consent of wife given in manner required in making sale and conveyance of homestead. (Tex. XVI 50.)
Exemption not to extend to any execution, order or other process issued on demand for services rendered by laborer or mechanic. (Va. XIV 190.)
Liens
Exemption provisions not to be construed to prevent laborers' lien for work done and performed for person claiming such exemption, or a mechanics' lien for work done on premises. (Ala. X 207.)
Exemption of homestead not to extend to lien of judgment, decree of court, sale under execution or other process for specific liens, laborers' or mechanics' liens for improving property. (Ark. IX 3.)
Exemption not to extend to judgment, execution or decree against exempted property for removal of encumbrances thereon. (Ga. IX Sec. II 1.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

FROM WHAT EXEMPTED (*Cont'd*)

Exceptions (*Cont'd*)

Liens (*Cont'd*)

Exemption not to extend to process of law obtained by virtue of lien given by consent of husband and wife. (Kan. XV 9; Nev. IV 30.)

Exemption not to prevent laborers' lien for work done and performed for person claiming exemption or mechanics' lien for work done on premises. (N.C. X 4.)

Exemption not to be construed to prevent liens against homestead for labor done and materials furnished in improvement thereof, in manner prescribed by law. (N.D. XVII 208.)

As to mortgages, See below, this title, ENCUMBRANCES ON EXEMPTED PROPERTY.

Rent

Exemption not to extend to any execution, order or other process issued on demand for rent. (Va. XIV 190.)

Exemption not to apply to debts for rent which bears a privilege upon said property. (La. 245.)

Money Collected

Homestead not exempt from lien of judgment, decree of court, sale under execution or other process against executors, administrators, guardians, receivers, or attorneys for moneys collected by them, and other trustees of an express trust for moneys due from them in their fiduciary capacity. (Ark. IX 3.)

Exemption not to extend to debts for liabilities incurred by public officer, fiduciary or attorney-at-law for money collected. (La. 245.)

Exemption not to extend to any execution, order or other process issued on demand for liabilities incurred by any public officer, officer of a court, fiduciary, or any attorney-at-law for money collected. (Va. XIV 190.)

Money Received on Deposit

Exemption not to extend to debts for liabilities incurred by any public officer, fiduciary or any attorney-at-law for money received on deposit. (La. 245.)

Fees of Officers

Exemption not to extend to any execution, order or other process issued on demand for legal or taxable fees of any public officer or officer of court. (Va. XIV 190.)

Shifting Stock and Illegal Conveyances

Exemption not to be claimed or held in shifting stock of merchandise, or in any property, conveyance of which by homestead claimant has been set aside for fraud or want of consideration. (Va. XIV 191.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

FROM WHAT EXEMPTED (*Cont'd*)

Exceptions (*Cont'd*)

Yearly Products

Yearly products of homestead not to be exempt from attachment, levy or sale for payment of obligations contracted in production of same. (S.C. III 28.)

RECORDING

Laws to provide for recording of homestead within county where situated. (Nev. IV 30.)

In parish of Orleans, homestead to be valid, shall be recorded as prescribed by law. (La. 247.)

Of waiver, *See below, this title,* WAIVER.

REGISTRATION

Exempted property need not be registered. (La. 244.)

WAIVER

Right of exemption may be waived by instrument in writing; when waiver relates to realty, instrument must be signed by both husband and wife, and attested by one witness. (Ala. X 210.)

Exemption may be waived in writing except as to wearing apparel, and not exceeding $300 worth of household and kitchen furniture and provisions, to be selected by himself and wife. Exemption provided for in certain statutes continued in force by constitution may be waived. (Ga. IX Sec. III 1, Sec. V 1.)

Homestead may be waived by signing with wife, if she be not separated, *a mensa et thoro,* and recording in mortgage records of his parish, a written waiver in whole or in part. Waiver may be either general or special; to have effect from time of recording. (La. 246.)

No waiver to defeat right of homestead before assignment except it be by deed of conveyance or by mortgage and only as against mortgage debt. After set off and recording, no waiver by deed of conveyance, mortgage or otherwise, unless same be executed by husband and wife if both be living. (S.C. III 28.)

ALIENATION OF EXEMPTED PROPERTY

As waiver, *See above, this title,* WAIVER.

Homestead not to be alienated without consent of husband and wife. (Kan. XV 9; Nev. IV 30; Tenn. XI 11; Wyo. XIX Homestead 1.)

Owner, if married, not to sell homestead without consent of wife, given as prescribed by law. (Tex. XVI 50.)

Same; nothing to prohibit person from mortgaging homestead, if spouse joins therein, nor prevent sale on foreclosure to satisfy any mortgage. (Legislature may change or amend.) (Okla. XII 2, 3.)

Real estate not to be alienable without joint consent of husband and wife. Holder of homestead may alienate by deed or mortgage executed by husband and wife. (Fla. X 1, 4.)

Owner of homestead may dispose of it by deed; no deed to be valid without voluntary signature and assent of wife, signified on her private examination according to law. (N.C. X 8.)

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EXEMPTIONS FROM FORCED SALE (*Cont'd*)

ALIENATION OF EXEMPTED PROPERTY (*Cont'd*)

Exemption of homestead not to extend to any mortgage lawfully obtained, but such mortgage or other alienation by owner, if a married man, not valid without signature of his wife. (Mich. XIV 2.)

Exemption not to extend to mortgage or other alienation of homestead, but if owner is married man it must have voluntary signature and assent of wife. (Ala. X 205.)

Property set apart for exemption not to alienated or encumbered, but may be sold by him and wife jointly with sanction of judge of superior court of county where debtor resides or land is situated, proceeds to be reinvested upon same uses. (Ga. IX Sec. III 1.)

Right to sell exempted homestead property to be preserved; but no sale to destroy or impair rights of creditors. (La. 246.)

ENCUMBRANCES ON EXEMPTED PROPERTY

As to exception of liens from exemptions, See above, this title, FROM WHAT EXEMPTED — EXCEPTIONS.

Exemption of homestead not to extend to any mortgage lawfully obtained; but mortgage of homestead, by a married man, not to be valid without voluntary signature and assent of wife. (Ala. X 205.)

Holder of homestead may alienate by mortgage executed by husband and wife. (Fla. X 4.)

Property set apart for exemption not to be encumbered. (Ga. IX Sec. III 1.)

Exemption of homestead not to extend to any mortgage lawfully obtained; such mortgage not valid without signature of wife of owner. (Mich. XIV 2.)

Nothing to prohibit any person from mortgaging his homestead, the wife, if any, joining, nor to prevent sale on foreclosure to satisfy mortgage; nothing to prevent or prohibit any person from mortgaging or encumbering his personal exemptions. (Legislature may change or amend.) (Okla. XII 2, 3.)

No mortgage, trust deed or other lien on homestead to be valid, except for purchase money or improvements made, as provided by constitution, whether created by husband alone or together with wife; all pretended sales involving condition of defeasance to be void. (Tex. XVI 50.)

DESCENT OF HOMESTEAD, *See above, this title,* WHO EXEMPTED — AFTER DEATH OF PERSON EXEMPTED.

DISPOSITION BY WILL

Holder, if without children, may dispose of homestead by will in manner prescribed by law. (Fla. X 4.)

EXEMPTION UNDER OLD CONSTITUTION

Detailed provisions as to status of. (Ark. Sched. 1; Fla. X 3; Ga. IX Sec. VII, VIII, IX; La. 245; Va. XIV 193.)

EXEMPTIONS FROM TAXATION, *See* TAXATION.

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EXILE, *See* CRIMES — PUNISHMENT.

EXPOSITION COMPANIES

For provisions relating to all corporations, See CORPORATIONS.

Exemption from general provision as to liability of stockholders, directors and trustees. (Cal. XII 3.)

Stockholders liable only to par value of stock subscribed. (Cal. XII 3.)

EXPRESS COMPANIES

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all transportation companies, See TRANSPORTATION COMPANIES.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

ACCEPTANCE OF STATE CONSTITUTION

To be filed "in binding form" in secretary of state's office as prerequisite to benefit of any future legislation. (Mont. XV 8.)

APPEALS TO COURTS

From orders, etc., of railroad commission allowed, irrespective of amount; cases tried summarily and given preference over all other cases. (La. 285.)

Removal of cases involving orders of corporation commission allowed; such cases given preference and heard at all times. (N.M. XI 7.)

COMMISSION

Legislature may delegate power to fix reasonable maximum railroad and express rates to a commission. (Mich. XII 7.)

AS COMMON CARRIERS

Declared to be common carriers. (Wyo. X Corporations 7.)

Declared to be common carriers and subject to legislative control. (Ariz. XV 10; Ida. XI 5; Mont. XV 5; S.C. IX 3.)

Declared to be common carriers and subject to liability as such. (Miss. VII 195.)

CONSOLIDATION

Not to consolidate stock, property or earnings, nor have officers in common, with company owning or controlling parallel or competing line. (Mont. XV 6.)

CREATION

Corporate powers and privileges issued and granted by secretary of state as prescribed by law, or by other person named by law if he is disqualified. (Ga. III Sec. VII 18.)

EQUALITY OF SERVICE

Equal rights to all to have persons or property transported; perishable property may be given preference. (Ida. XI 6.)

Must receive and transport each other's tonnage without delay or discrimination, as regulated by commission. (N.M. XI 15.)

No discrimination in charges or facilities to be made. (Mont. XV 7.)

Preference to anyone in transportation of money or other express matter forbidden. (Ida. XI 6; Mont. XV 7.)

FOREIGN EXPRESS COMPANIES

Must incorporate under domestic law, to exercise right of eminent domain. (Okla. IX 31.)

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EXPRESS COMPANIES (*Cont'd*)

LEGISLATIVE CONTROL

Legislature may fix reasonable maximum charges or delegate power to a commission. (Mich. XII 7.)

Legislature to correct abuses and prevent discrimination in charges to extent of forfeiture of property and franchises. (Nebr. XI 7.)

Legislature to prevent abuses, discrimination and extortion in charges and supervise; to provide penalties to extent of forfeiture of franchise. (Miss. VII 186.)

PENALTIES

For unlawful rates or violating orders, etc., of railroad commission, $100 to $5,000. (La. 286.)

POWERS AND PRIVILEGES

Corporations and associations organized for purpose may operate lines between any points, connect at state lines or elsewhere with other lines. (Okla. IX 2.)

Corporate powers and privileges issued and granted by secretary of state, as prescribed by law, or by other persons named by law if he is disqualified. (Ga. III Sec. VII 18.)

Given equal rights of transportation, facilities, privileges and rates over all railroads in state. (Wash. XII 21.)

PREFERENCES, *See above, this title,* EQUALITY OF SERVICE.

RATES

Appeals to courts, *See above, this title,* APPEALS TO COURTS.

Fixed and controlled by railroad commission; greater charge for shorter than longer distance only with permission of commission. (La. 284.)

Fixed and controlled by state corporation commission. (N.M. XI 7.)

Free or reduced rates not forbidden in serving state or local government, charities or destitute or indigent persons. (La. 287.)

Legislative control, *See above, this title,* LEGISLATIVE CONTROL.

Legislature may fix reasonable maximum charges or delegate power to a commission. (Mich. XII 7.)

Property to be transported at charges not exceeding charge for same class to more distant point. (Ida. XI 6; Mont. XV 7.)

Subject to legislative regulation and control. (Ida. XI 5; Mont. XV 5.)

When fixed by railroad commission remain in effect until set aside; penalty payable state for each day sustained rate was suspended by suit. (La. 286.)

TAXATION

See TAXATION — OBJECTS AND KINDS OF TAXATION — CORPORATIONS.

See TAXATION — OBJECTS AND KINDS OF TAXATION — PUBLIC UTILITIES.

See TAXATION — ASSESSMENT — CORPORATE PROPERTY.

FEDERAL CONSTITUTION, *See* CONSTITUTION OF UNITED STATES.

FEEBLE-MINDED, *See* CHARITIES.

FELLOW-SERVANT RULE, *See* LABOR — EMPLOYER'S LIABILITY.

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FENCES

Legislature may pass fence laws applicable to any subdivision of state or county, "as may be needed to meet the wants of the people". (Tex. XVI 22.)

Legislature not to pass special, private or local laws relating to fences. (Del. II 19; Miss. IV 90; Va. IV 63.)

Legislature not to pass special or local legislation to regulate fencing or running at large of live stock. (Ky. 59.)

FERRIES

Special, private or local laws prohibited relating to. (La. 48; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Special, private or local laws prohibited establishing. (Fla. III 20.)

Legislature shall not give any person, corporation or association the right to have. (Miss. IV 90.)

Local or special laws to license companies or persons to own or operate ferries, prohibited. (Ky. 59.)

Special, private or local laws chartering or licensing prohibited. (Ala. IV 104; Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; W.Va. VI 39; Wyo. III 27.)

Special and local laws prohibited authorizing persons to keep ferries on streams wholly within the state. (S.D. III 23; Utah VI 26; Wash. II 28; Wis. IV 31.)

Legislature may not establish ferries but shall prescribe by law manner in which power shall be exercised by courts. (Ga. III Sec. VII 18.)

Right to authorize and regulate tolls on, under legislative control, punishment provided for unauthorized taking of. All laws granting right to collect tolls subject to amendment, modification or repeal. (Tex. XII 3, 4.)

Local or special laws incorporating ferry companies prohibited. (La. 48; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Taxation of, *See* TAXATION—OBJECTS AND KINDS OF TAXATION—FERRIES.

FINES, *See* CRIMES.

FIRE

Legislature to enact laws to secure safety of persons from fires in hotels, theatres and other public places of resort. (Miss. IV 83.)

FIRE MARSHAL

Office as created by existing law recognized. Compensation, jurisdiction, powers, and duties to be prescribed by legislature, except that powers and duties not to be extended beyond those specified by certain named acts of legislature. (La. 320.)

FISH AND GAME

FISH TRAP

Legislature not to pass special, private or local law granting to any person, corporation or association right to have any. (Miss. IV 90.)

GAME WARDENS

Compensation of fixed in county charters or by board of supervisors. (Cal. XI 7½, 6.)

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FISH AND GAME (*Cont'd*)

PROTECTION OF

Local and special laws for, prohibited. (Colo. V 25; Ill. IV 22; Ky. 59; Nebr. III 15; N.D. II 69; S.C. III 34.)

Legislature to have power to enact laws for protection and preservation of fish and game. (Tenn. XI 13.)

The legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken. (Cal. I 25.)

Laws for protection of may be applied in particular districts designated by legislature. (Cal. IV 25½; Tenn. XI 13.)

Special laws may be passed for the preservation of in certain localities. (Tex. III 56.)

RIGHT TO TAKE

People to have right to fish upon and from public lands and in waters of the state, except lands set aside for fish hatcheries; no public land to be sold or transferred without reserving right in people to fish thereon; no law to be passed making it a crime to enter public lands to fish in water planted with fish by state. (Cal. I 25.)

People to continue to enjoy and freely exercise all rights of fishery to which heretofore entitled under charter and usages of state, this declaration not to grant new or impair any existing right. (R.I. I 17.)

People of state to have liberty, at seasonable times, to hunt and fowl on lands they own or on unenclosed lands, and to fish on all boatable waters, not private property, under proper regulations to be made by legislature. (Vt. II 63.)

FLAG OF STATE

Form prescribed. (Fla. XVI 12.)

FORESTS

See also PUBLIC LANDS.

ADMINISTRATION

Secretary of internal affairs to discharge such duties in regard to timber interests of the state as may be prescribed by law. (Pa. IV 19.)

CONTROL OF PRIVATE FORESTS

Police power of state shall extend to such control of private forests as is necessary for prevention and suppression of fires. (N.M. XV 2.)

ENCOURAGEMENT OF FORESTRY

Laws may be passed to encourage forestry. (Ohio II 36.)

FOREST PRESERVES

May be created by law from lands forfeited to the state, and from other lands authorized by law to be acquired for the purpose. (Ohio II 36.)

Legislature may set aside school and other public lands of state better adapted to forests than agriculture as school or other forests; legislature may provide for management on forestry principles, net revenue used for purpose for which grant was made. (Minn. VIII 7.)

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FORESTS (*Cont'd*)

FOREST PRESERVES (*Cont'd*)

Forest preserves ever to be kept as wild forest lands not to be leased, sold or exchanged; or be taken by any corporation or the timber to be sold, removed or destroyed; further provision that not over 3 per cent. of land may be taken for reservoirs with restriction as to purposes and conditions of use. (N.Y. VII 7.)

The state may appropriate money to acquire, preserve and develop forests of state, but not under this section in any one year an amount to exceed two-tenths of one mill of the taxable property of the state on last preceding state assessment. (Wis. VIII 10.)

LOGGING RAILWAY

Taking of private property for logging railway deemed for public use; and person, firm, company or corporation taking private property by eminent domain for such purpose becomes a common carrier. (Cal. I 14.)

PRESERVATION OF PUBLIC FORESTS

Legislature to enact laws to prevent the destruction of and to keep in good preservation forests on public lands or on lands of public domain of which Congress may give state control. (Colo. XVIII 6; Utah XVIII 1.)

Legislature to enact laws to prevent destruction by fire of grasses and forests on public lands or on lands of public domain of which Congress may give state control. (Mont. XIX 3.)

Prohibition of state's being concerned in any internal improvement not to prevent its reforestation of its own lands. (Mich. X 14.)

SALE OF PUBLIC FOREST LANDS

To be under rules and regulations prescribed by law. (Mont. XVII 2.)

No sale of state forest lands to be valid unless full value be paid or secured to state. (Wash. XVI 3.)

TIMBER IN PUBLIC FORESTS

In forest preserves not to be sold, removed or destroyed. (N.Y. VII 7.)

Limitation on sale of land not to prevent the state from selling timber off state land in such manner and at such price as may be prescribed by law. (Wash XVI 3.)

May be sold under rules and regulations prescribed by law. (Mont. XVII 2.)

Legislature to provide by law for sale of and for faithful application of proceeds in accordance with terms of grant of lands from which cut. (Ida. IX 8.)

Sold only at public auction in county seat, advertised in newspaper at state capital and in newspaper published nearest the lands, and to "highest and best bidder" not for less than appraised true value or for credit unless on ample security; title not to pass till payment. (Ariz. X 3, 4.)

TAXATION

See TAXATION — OBJECTS AND KINDS OF TAXATION.

See TAXATION — ASSESSMENTS.

See TAXATION — EXEMPTIONS.

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FORFEITURES

In general, See CRIMES.

In case of death by accident, See DEATH.

FRANCHISES

See PRIVILEGES.

See subhead PUBLIC UTILITIES *under the titles* "BOROUGHS", "CITIES", "COUNTIES", "MUNICIPALITIES", "TOWNS", "TOWNSHIPS", "VILLAGES".

Elective franchise, *See* ELECTIONS.

FRAUD

Legislature may provide for punishment. (Ga. I Sec. II 6.)

FREEDOM OF SPEECH AND PUBLICATION

GENERAL DECLARATIONS

Men have right to communicate freely their thoughts, and opinions, being responsible for abuse of that right. (Utah I 1.)

Free communication of thoughts and opinions invaluable right of man. (Ark. II 6.)

No law to be passed restraining free expression of opinion. (Ore. I 8.)

No law to be passed restraining free interchange of thought and opinion. (Ind. I 9.)

LIBEL, *See* LIBEL AND SLANDER.

RIGHT TO MAINTAIN RELIGIOUS OPINIONS, *See* RELIGION.

FREEDOM OF SPEECH

Declaration of Right

Freedom of speech and debate in legislature, *See* LEGISLATURE — MEMBERS.

Freedom of speech to be held sacred. (Miss. III 13.)

People have right to freedom of speech concerning transactions of government. (Vt. I 13.)

Every person may speak on all subjects, being responsible for abuse of that liberty. (Ala. I 4; Colo. II 10; Ga. I Sec. I 15; Iowa I 7; La. 3; Tex. I 8.)

Same; inserts "freely" before "speak". (Ariz. II 6; Fla. D.R. 13; Ida. I 9; Ill. II 4; Kan. B.R. 11; Ky. 8; Me. I 4; Mich. II 4; Minn. I 3; Mo. II 14; Mont. III 10; Nebr. I 5; N.J. I 5; N.M. II 17; N.D. I 9; Okla. II 22; S.D. VI 5; Wash. I 5; Wis. I 3; Wyo. I 20.)

Every citizen may freely speak on all subjects, being responsible for abuse of that right. (Cal. I 9; Conn. I 5; Nev. I 9; N.Y. I 8; Ohio I 11; Pa. I 7; Tenn. I 19; Va. I 12.)

Citizens of state ought to be allowed to speak on all subjects, being responsible for abuse of that privilege. (Md. D.R. 40.)

Restrictions on Legislation

No law to be passed restricting right to speak freely on any subject; but for abuse of that right every person to be responsible. (Ind. I 9; Ore. I 8.)

No law to be passed impairing freedom of speech. (Colo. II 10; Mo. II 14; Mont. III 10.)

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FREEDOM OF SPEECH AND PUBLICATION (*Cont'd*)

FREEDOM OF SPEECH (*Cont'd*)

Restrictions on Legislation (*Cont'd*)

No law to be passed to curtail or restrain liberty of speech. (Ala. I 4; Conn. I 6; Ga. I Sec. I 15; La. 3.)

Same; omits "or restrain". (Tex. I 8.)

No law to be passed to restrain or abridge liberty of speech. (Cal. I 9; Fla. D. R. 13; Iowa I 7; Mich. II 4; Nev. I 9; N.J. I 5; N.M. II 17; N.Y. I 8; Ohio I 11; Okla. II 22; Utah I 15; Wis. I 3.)

Same; omits "restrain or". (S.C. I 4.)

Same; omits "restrain or"; legislature may provide for criminal prosecutions and civil actions for libel or defamation of character. (W.Va. III 7.)

FREEDOM OF WRITING AND PUBLICATION

Declaration of Right

Freedom of press to be held sacred. (Miss. III 13.)

Liberty of press to be inviolate. (Ark. II 6; Kan. B.R. 11; Minn. I 3.)

Liberty of press ought to be inviolably preserved. (Md. D.R. 40; N.H. I 22.)

Liberty of press ought not to be restrained. (Mass. Pt. I 16; Vt. I 13.)

Freedom of press one of great bulwarks of liberty and can never be restrained but by despotic governments. (Va. I 12.)

People have right of writing and publishing their sentiments, concerning transactions of government. (Vt. I 13.)

Press free to every citizen who undertakes to examine conduct of men acting in public capacity. (Del. I 5.)

Press to be free to every person who undertakes to examine proceedings of legislature or any branch of government, and no law to be made to restrain right thereof. (Ky. 8; Pa. I 7.)

Press to be free to every person to examine proceedings of legislature or of any branch or officer of government; no law to be made to restrain right thereof. (Tenn. I 19.)

Freedom of press ought never to be restrained, but every individual to be held responsible for abuse of same. (N.C. I 20.)

Any person may publish his sentiments on any subject, being responsible for abuse of that liberty. (R.I. I 20.)

Every person may freely and fully write and print on any subject, being responsible for abuse of that liberty. (Ky. 8.)

Every person may write or publish on all subjects, being responsible for abuse of that liberty. (Ala. I 4; Colo. II 10; Ga. I Sec. I 15; Iowa I 7; La. 3; Tex. I 8.)

Same; inserts "freely" before "write". (Ariz. II 6; Ark. II 6; Fla. D.R. 13; Ida. I 9; Ill. II 4; Kan. B.R. 11; Me. I 4; Mich. II 4; Minn. I 3; Mo. II 14; Mont. III 10; Nebr. I 5; N.J. I 5; N.M. II 17; N.D. I 9; Okla. II 22; S.D. VI 5; Wash. I 5; Wis. I 3; Wyo. I 20.)

Every citizen may freely write and publish on all subjects, being responsible for abuse of that right. (Cal. I 9; Conn. I 5; Nev. I 9; N.Y. I 8; Ohio I 11; Va. I 12.)

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FREEDOM OF SPEECH AND PUBLICATION (*Cont'd*)

FREEDOM OF WRITING AND PUBLICATION (*Cont'd*)

Declaration of Right (*Cont'd*)

Every citizen may freely write and print on any subject, being responsible for abuse of that liberty. (Pa. I 7; Tenn. I 19.)

Any citizen may print on any subject, being responsible for abuse of that liberty. (Del. I 5.)

Citizens of state ought to be allowed to write and publish their sentiments on all subjects, being responsible for abuse of that privilege. (Md. D.R. 40.)

Restrictions on Legislation

No law to be passed restricting right to write or print freely on any subject; but for abuse of that right every person to be responsible. (Ind. I 9; Ore. I 8.)

No law to be passed regulating or restraining freedom of press. (Me. I 4.)

No law to be passed to curtail or restrain liberty of the press. (Ala. I 4; Conn. I 6; Ga. I Sec. I 15; La. 3; N.M. II 17.)

Same; omits "or restrain". (Tex. I 8.)

No law to be passed to restrain or abridge liberty of the press. (Cal. I 9; Fla D.R. 13; Iowa I 7; Mich. II 4; Nev. I 9; N.J. I 5; N.M. II 17; N.Y. I 8; Ohio I 11; Okla. II 22; Utah I 15; Wis. I 3.)

Same; omits "restrain or". (S.C. I 4.)

Same; omits "restrain or"; legislature may restrain publication or sale of obscene books, papers or pictures, and provide for criminal prosecution and civil actions for libel or defamation of character. (W.Va. III 7.)

FUND COMMISSIONERS, STATE BOARD OF

Composed of secretary of state, treasurer and commissioner of state land office. If latter office abolished another state officer designated by law as member of board. (Mich. VI 20.)

GAMBLING

Lotteries, *See* LOTTERIES.

Legislature to enact laws to suppress. (La. 188.)

Pool selling and other forms of, prohibited. Legislature to enforce by law. (Del. II 17.)

Pool selling, bookmaking or any kind of gambling not to be allowed or authorized; legislature to pass laws to prevent offenses. (N.Y. I 9.)

Pool selling, bookmaking or gambling not to be authorized or allowed; no gambling device, practice or game of chance now prohibited by law to be legalized, nor remedy, penalty or punishment now provided therefore to be diminished. (N.J. IV Sec. VII 2.)

Unlawful for person holding office of honor, trust or profit to engage in gambling or betting on games of chance, and on conviction office to become vacant as in case of resignation or death. (S.C. XVII 8.)

Legislature to prohibit fictitious buying and selling of shares of corporations in any stock board, stock exchange or stock market under control of any corporation or association. Contracts for purchase or sale of shares of any corporation or association without intention on part of

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GAMBLING (*Cont'd*)

one party to deliver and of the other party to receive the shares, and contemplating merely payment of differences between contract and market prices, to be void and neither party entitled to recover damages for failure to perform, or money paid thereon. (Cal. IV 26.)

Dealing in futures on agricultural products or articles of necessity declared to be against public policy and legislature to suppress it. (La. 189.)

GAME, *See* FISH AND GAME.

GARNISHMENT

Current wages for personal service not subject to. (Tex. XVI 28.)

GAS COMPANIES

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

"Gas works" not to be erected without consent of local authorities controlling street or public places to be occupied. (S.C. VIII 4.)

For consent of local authorities in cities or towns, See the subhead PUBLIC UTILITIES *under the specific title.*

Legislature shall regulate charges; no state officer concerned with regulation to be selected by corporation or to be officer or stockholder thereof. (Cal. IV 33.)

TAXATION

See TAXATION — OBJECTS AND KINDS OF TAXATION — CORPORATIONS.

See TAXATION — OBJECTS AND KINDS OF TAXATION — PUBLIC UTILITIES.

See TAXATION — LOCAL TAXES — AUTHORITY.

See TAXATION — EXEMPTIONS — PUBLIC UTILITIES.

GOVERNMENT, THEORY OF

ARBITRARY POWER

Absolute and arbitrary power exists nowhere in republic, not even in largest majority. (Ky. 2; Wyo. I 7.)

Doctrine of non-resistence against arbitrary power absurd and slavish. (Md. D.R. 6; N.H. I 10; Tenn. I 2.)

DISTRIBUTION OF POWERS, *See* DISTRIBUTION OF POWERS.

FUNDAMENTAL PRINCIPLES

Adherence to frugality essential to preserve liberty and free government. (S.D. VI 27; Vt. I 18; Va. I 15; W.Va. III 20; Wis. I 22.)

Adherence to industry essential to preserve liberty and free government. (N.H. I 38; Vt. I 18.)

Adherence to justice essential to preserve liberty and free government. (Mass. Pt. I 18; S.D. VI 27; Va. I 15; W.Va. III 20; Wis. I 22.)

Adherence to moderation essential to preserve liberty and free government. (N.H. I 38; S.D. VI 27; Va. I 15; W.Va. III 20; Wis. I 22.)

Adherence to piety essential to preserve liberty and free government. (Mass. Pt. I 18.)

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GOVERNMENT, THEORY OF (*Cont'd*)

FUNDAMENTAL PRINCIPLES (*Cont'd*)

Adherence to temperance essential to preserve liberty and free government. (N.H. I 38; S.D. VI 27; Va. I 15; W.Va. III 20; Wis. I 22.)

Adherence to virtue essential to preserve liberty and free government. (S.D. VI 27; Va. I 15; W.Va. III 20; Wis. I 22.)

Frequent recurrence to, essential to preserve liberty and free government. (Ariz. II 1; Ill. II 20; N.H. I 38; N.C. I 29; S.D. VI 27; Utah I 27; Va. I 15; Wash. I 32; Wis. I 22.)

GENERAL RIGHTS OF PEOPLE

Rights and principles expressed in bill of rights shall be established, maintained and preserved and be of paramount obligation in all legislative, judicial and executive proceedings. (R.I. Preamble.)

Enumeration of rights in this constitution not to be construed to deny or impair others, retained by and inherent in people. (Minn. I 16; Miss. III 32.)

Enumeration of certain rights not to impair or deny others retained by people. (Ala. I 36; Ariz. II 33; Ark. II 29; Cal. I 23; Colo. II 28; Fla. D.R. 24; Ida. I 21; Iowa I 25; Kan. B.R. 20; La. 15; Me. I 24; Md. D.R. 45; Mo. II 32; Mont. III 30; Nebr. I 26; Nev. I 20; N.J. I 21; N.M. II 23; N.C. I 37; Ohio I 20; Okla. II 33; Ore. I 33; R.I. I 23; Utah I 25; Wash. I 30; Wyo. I 36.)

The rights found in this bill of rights shall not be construed to limit other rights of the people not herein expressed. (Va. I 17.)

Everything in bill of rights is excepted out of general powers of government and shall forever remain inviolate. (Ala. I 36; Ark. II 29; Ky. 26; N.D. I 24; Pa. I 26; Tenn. XI 16; Tex. I 29.)

We declare that everything in bill of rights is reserved out of general powers of government hereinafter mentioned. (Del. I 19.)

Enumeration of rights in constitution not to be construed to deny to people inherent rights they have hitherto enjoyed. (Ga. I Sec. V 2.)

POLITICAL RIGHTS OF PEOPLE

Sole right to govern themselves as free sovereign and independent state. (N.M. II 3.)

Sole right to govern themselves as free, sovereign and independent state and to have every power not expressly delegated to the United States in Congress assembled. (Mass. Pt. I 4; N.H. I 7.)

Government founded on authority of people. (Conn. I 2; Utah I 2.)

Government originates with people. (La. 1; Md. D.R. 1; N.C. I 2; Ore. I 1.)

Political power inherent in people. (Ala. I 2; Ariz. II 2; Cal. I 2; Colo. II 1; Conn. I 2; Del. Preamble; Fla. D.R. 2; Ga. I Sec. I 1; Ida. I 2; Ind. I 1; Kan. B.R. 2; Ky. 4; Mich. II 1; Minn. I 1; Miss. III 5; Mo. II 1; Mont. III 1; Nev. I 2; N.J. I 2; N.M. II 2; Ohio I 2; Ore. I 1; S.C. I 1; S.D. VI 26; Tenn. I 1; Tex. I 2; Va. I 2; Wash. I 1; W.V. II 2, III 2; Wyo. I 1.)

Political power derived from people. (N.C. I 2; S.D. VI 1.)

Government derives its just powers from consent of governed. (Ill. II 1; Nebr. I 1; Wis. I 1.)

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GOVERNMENT, THEORY OF (*Cont'd*)

POLITICAL RIGHTS OF PEOPLE (*Cont'd*)

May institute or change government. (Conn. I 4; Del. Preamble; Iowa I 2; Me. I 2; Md. D.R. 6; Mass. Pt. I 7; Nev. I 2; N.D. I 2; Pa. I 2; R.I. I 1; W.Va. III 3.)

May institute or change government subject to preservation of republican form. (Tex. I 2.)

May institute or change government, provided such change be not repugnant to constitution of United States. (Colo. II 2; Mo. II 2; Mont. III 2; N. C. I 3; Okla. II 1.)

Right to change form of government. (Ala. I 2; Ark. II 1; Cal. I 2; Conn. I 2; Colo. II 2; Fla. D.R. 2; Ga. I Sec. V 1; Ida. I 2; Ind. I 1; Md. D.R. 1; Minn. I 1; N.H. I 10; N.J. I 2; Ohio I 2; Ore. I 1; S.C. I 1; S.D. VI 26; Tenn. I 1; Utah I 2; Vt. I 7; Wyo. I 1.)

Right to change form of government, provided such change be not repugnant to constitution of United States. (Miss. III 6.)

Right to regulate internal government and police. (Ga. I Sec. V 1; Md. D.R. 4; Mo. II 2; N.C. I 3; Vt. I 5; W.Va. I 2.)

Right to uniform government, and no other form of government should be erected within the limits of the state. (Va. I 14.)

Not bound by any laws but such as they have authorized. (N.H. I 12; Vt. I 9.)

All powers not herein delegated remain with people. (Kan. B.R. 20; Nebr. I 26; N.C. I 37; Ohio I 20.)

Declaration of political rights and privileges of people hereby declared to be part of constitution; and ought not be violated on any pretense. (Vt. II 67.)

PURPOSE OF GOVERNMENT

Instituted solely for good of people. (Ga. I Sec. I 1; N.H. I 1; N.C. I 2.)

Founded to protect individual rights. (Wash. I 1.)

Protection of citizens in enjoyment of life, liberty and property; more than this, usurpation. (Ala. I 35.)

Principal office of government to give security to life, liberty and enjoyment by people of gains of their own industry. (Mo. II 4.)

RELATION OF STATE TO FEDERAL GOVERNMENT

See also UNITED STATES.

Supremacy of federal constitution, *See* CONSTITUTION OF UNITED STATES.

State inseparable part of Union. (Cal. I 3; Ida. I 3; N.M. II 1; N.D. I 3; Okla. II 1; S.D. VI 26; Utah I 3; W.Va. I 1; Wyo. I 37.)

No power to dissolve connection with Union. (Fla. D.R. 2; Miss. III 7; Nev. I 2; N.C. I 4.)

People of state right of governing themselves as a free sovereign and independent state and to enjoy every power which is not or may not be expressly delegated to the United States of America in Congress. (Mass. Pt. I 4; N.H. I 7.)

Government of United States, one of enumerated powers, and all powers not delegated to it nor inhibited to the states, reserved to states or people thereof; among which is exclusive regulation

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GOVERNMENT, THEORY OF (*Cont'd*)

RELATION OF STATE TO FEDERAL GOVERNMENT (*Cont'd*)

of internal government and police; solemn duty of all departments of government created by the constitution to guard and protect reserved rights. (W.Va. I 2.)

State free and independent; subject only to constitution of United States; preservation of state necessary to indestructible union. (Mo. II 3; Tex. I 1.)

RIGHT TO EQUALITY, FREEDOM AND INDEPENDENCE

All men equal. (Ark. II 3; Conn. I 1; Fla. D.R. 1; Ind. I 1; Kan. B.R. 1; N.C. I 1; Ore. I 1; Wyo. I 2.)

All men equally free. (Mont. III 3; N.M. II 4.)

All men free and equal. (Ida. I 1; Iowa I 1; Ky. 1; Mass. Pt. I 1; Nev. I 1.)

All men free and independent. (Cal. I 1; Ill. II 1; Nebr. I 1; N.J. I 1; Ohio I 1.)

All men equally free and independent. (Ala. I 1; Ark. II 2; Me. I 1; N.H. I 1; N.D. I 1; Pa. I 1; Vt. I 1; Va. I 1; W.Va III 1; Wis. I 1.)

RIGHT TO LIFE, LIBERTY AND PROPERTY, *See* LIFE, LIBERTY AND PROPERTY.

SOCIAL COMPACT

Government founded on compact. (Md. D.R. 1.)

Men entering society cannot by compact deprive their posterity of inherent rights. (Va. I 1; W.Va. III 1.)

When men enter state of society they surrender some of their natural rights in order to secure protection; without such equivalent surrender void. (N.H. I 3.)

GOVERNOR

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See PUBLIC OFFICERS.

ACCOUNTS

To legislature, statement with vouchers of money belonging to state and paid out by him. (Colo. IV 8; Ida. IV 8; Mont. VII 10.)

To legislature, and accompany message with statement, of all moneys received and paid out by him from funds subject to his order, with vouchers. (Ill. V 7; Nebr. V 7; Tex. IV 9; W.Va. VII 6.)

To legislature, as prescribed by law, for all moneys received and paid out by him or by his order. (Ala. V 123.)

To legislature, as prescribed by law, for all moneys received and paid out by him from funds subject to his order, with vouchers. (Mo. V 10.)

APPOINTMENTS WITHOUT CONFIRMATION

Here are listed special classes of officers; for provisions as to appointment of public officers generally, See PUBLIC OFFICERS.

The governor has very generally the power to fill vacancies, as to this, See PUBLIC OFFICERS. *For his power to fill a vacancy in any particular office or class of offices, See the specific title.*

Notaries public (Ala. VI 168); his own staff, as provided by law (Ala. XV 276); when acting in service of United States to appoint

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GOVERNOR (*Cont'd*)

APPOINTMENTS WITHOUT CONFIRMATION (*Cont'd*)

his staff (Ala. V 131); if company or regiment neglect to elect its officers within time prescribed by law, governor may appoint (Ala. XV 273).

Five railroad commissioners. (Cal. XII 22.)

All general field and staff officers of militia; if any company fail to elect its own officers within time prescribed by law, governor may appoint. (Colo. XVII 3.)

All commissioned officers of state militia, including adjutant-general for state. (Fla. IV 16.)

Adjutant, quartermaster- and commissary-generals. (Ind. XII 2.)

Adjutant-general and his other staff officers. (Ky. 222.)

Board of charities and corrections. (La. 295.)

Adjutant-general, quartermaster-general, officers of militia, in case of refusal or neglect of members to elect. (Me. VII 2, Amend. 28.)

Adjutant-general, brigadiers, field officers, captains or subalterns, if electors fail to elect, governor to appoint, with "advice" of council. (Mass. Pt. II Ch. II Sec. I 10.)

Commissioners to compile laws. (Mich. V 40.)

Adjutant-general and other staff officers to commander-in-chief. (Miss. IX 219.)

Adjutant-general, quartermaster-general and his other staff officers (Mo. XIII 6); if any company or regiment neglect to elect officers within time prescribed by law or by order of the governor, governor may appoint (Mo. XIV 3).

All militia officers whose appointment not otherwise provided for in constitution (N.J. VII Sec. I 9); if electors of militia officers refuse or neglect to elect governor may appoint and fill vacancies caused by such refusal or neglect (N.J. VII Sec. I 7).

Intermediate court of appeals, designate judges and presiding officer from judges of general trial court (N.Y. VI 2); chiefs of several staff departments, his aides-de-camp and military secretary (N.Y. XI 4).

Two civilian members of board of pardons. (N.D. III 76.)

Adjutant-general, quartermaster-general and such other staff officers as may be provided for by law. (Ohio IX 3.)

Adjutant-general and other chief officers of general staff, and his own staff. (Ore. X 3.)

Adjutant-general and his other staff officers. (Tenn. VIII 2.)

Secretary of civil and military affairs. (Vt. II 21.)

APPOINTMENTS SUBJECT TO CONFIRMATION

Here are listed special classes of officers; for provisions as to appointment of public officers generally, See PUBLIC OFFICERS.

The governor has very generally the power to fill vacancies, as to this, See PUBLIC OFFICERS. *For his power to fill a vacancy in any particular office or class of offices, See the specific title.*

By Legislature in Joint Session

Members of state corporation commission. (Va. XII 155.)

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GOVERNOR (*Cont'd*)

APPOINTMENTS SUBJECT TO CONFIRMATION (*Cont'd*)

By Majority of All Members Elected to Senate

Secretary of state (Del. III 10); commissioners of agriculture (Del. XI 3); chief justice, associate judges and chancellor of state (Del. IV 3); justices of the peace, and judges of inferior courts established by legislature (Del. IV 32).

By Two-thirds of All Members of Senate

Secretary of state, attorney-general, superintendent of public instruction. (Pa. IV 8.)

By Two-thirds of Senate

Notaries public. (Tex. IV 26.)

By Senate

Trustees of Alabama Polytechnic Institute (Ala. XIV 266); general officers of militia (Ala. XV 276).

State examiner. (Ariz. XXII 18.)

Members of state board of prison directors. (Cal. X 1.)

Members of state board of land commissioners. (Colo. IX 9.)

Judges of general trial court (Fla. V 8); judges of criminal courts (Fla. V 24); state's attorney in each judicial circuit (Fla. V 15); prosecuting attorney for each county criminal court of record (Fla. V 27); major-generals and brigadier-generals of militia (Fla. XIV 3).

Commissioner of immigration, labor and statistics (Ida. XIII 1); directors of insane asylum (Ida. X 6).

Justices of peace in city of Chicago (on recommendation of judges). (Ill. VI 28.)

Trustees of such benevolent institutions as may be created. (Kan. VII 1.)

Examiner of state banks (La. 194); board of agriculture and immigration, one member from each congressional district (La. 307).

Secretary of state (Md. II 22); commissioner of land office (Md. VII 4); state librarian (Md. VII 3); chief justice (from members of highest court) (Md. IV 14); justices of the peace (Md. IV 42); adjutant-general (Md. IX 2); military officers of state whose appointment or election not otherwise provided for by constitution, unless different mode of appointment prescribed by law creating office (Md. II 10).

State librarian; notaries public. (Minn. V 4.)

Judges of highest court, general trial court and chancery court (Miss. VI 145, 153); boards of levee commissioners (Miss. XI 229); major-general and brigadier-general (Miss. IX 218); officers of militia, except non-commissioned officers (may be elected if legislature so determines) (Miss. IX 216).

Members of board of curators of state university (Mo. XI 5); major-generals and brigadier-generals (Mo. XIII 6).

State examiner (Mont. VII 8); eight out of 11 members of state board of education (Mont. XI 11); commissioner of agriculture, labor and industry (Mont. XVIII 1).

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GOVERNOR (*Cont'd*)

APPOINTMENTS SUBJECT TO CONFIRMATION (*Cont'd*)

By Senate (*Cont'd*)

Judges of highest court, chancellor, judges of intermediate courts of appeal and of inferior court of common pleas (N.J. VII Sec. II 1); attorney-general, prosecutors of pleas, clerk of intermediate court of appeals, clerk of chancery court, secretary of state, keeper of state prison (N.J. VII Sec. II 4); major-generals, adjutant-general and quartermaster-general (N.J. VII Sec. I 5).

Mine inspector (N.M. XVII 1); five of seven members of board of education (N.M. XII 6); members of boards of penitentiary at Santa Fé, Miners' Hospital of New Mexico, New Mexico Insane Asylum, New Mexico Reform School (N.M. XIV).

Superintendent of public works (N.Y. V 3); superintendent of state prisons (N.Y. V 4); members of state board of charities, state prison commission and state lunacy commission (N.Y. VIII 12); major-generals (N.Y. XI 4).

Commission to dispose of surplus business of supreme court (Ohio IV 22); trustees of state institutions (question taken by yeas and nays and entered on journal) (Ohio VII 2).

Bank commissioner. (Okla. XIV 1.)

Magistrates (S.C. V 20); regents and superintendent of state hospital for insane (S.C. XII 2); such staff officers (other than adjutant and inspector-general) as legislature may direct (S.C. XIII 4).

Members of state board of charities and corrections, and state board of education. (S.D. XIV 2, 3.)

Secretary of state (Tex. IV 21); members of board of prison commissioners (Tex. XVI 58).

Members of board of prison directors (Va. XI 148); commissioner of state hospitals for insane (Va. XI 152); members of boards of directors for each state hospital for insane (Va. XI 149).

Regents, trustees or commissioners of educational, reformatory and penal institutions and those for benefit of blind, deaf, dumb or otherwise defective youth, or for insane and idiotic, and such other institutions as public good may require; question taken by yeas and nays and entered on journal. (Wash. XIII 1.)

State examiner (Wyo. IV 14); state engineer (Wyo. VIII 5); inspector of mines (Wyo. IX 1); state geologist (Wyo. IX 6).

By Council

Judicial officers (except judges and registers of probate), judges of police and municipal courts, coroners and notaries public. (Me. V Pt. I 8, VI 7, 8.)

Judicial officers, solicitor-general, coroners, notaries public. (Mass. Pt. II Ch. II Sec. I 9, Amend. IV.)

"Advice" of council necessary to appointments by governor of brigadiers, field officers, captains and subalterns of militia, if electors fail to elect. (Mass. Pt. II Ch. II Sec. I 10.)

Judicial officers, attorney-general, coroners and all officers of navy and general and field officers of militia. (N.H. II 45.)

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GOVERNOR (*Cont'd*)

APPOINTMENTS AS PRESCRIBED BY LAW

Legislature may provide for appointment by governor or election by qualified electors of county; of a prosecuting attorney for any county (section provides for election of an officer for circuit prescribed by legislature). (Ala. VI 167.)

BOND

Of not less than double amount of money that may come into hands, and not less than $50,000; sureties, and approval "thereof", and increase of penalties, as may be prescribed by law. (Nebr. V 25.)

BRIBERY

If governor asks, receives or agrees to receive bribe to influence official opinion or action, or promises influence in return for vote or influence of member of legislature, or menaces member by threatening use of veto, or offers or promises member to appoint person to office, or threatens to remove any person from office, in consideration of vote or influence of member, he shall be punished as prescribed by law, and on conviction forfeit right to hold office of trust or honor in state. (N.D. III 81; S.D. IV 11; Wyo. IV 10.)

CLERICAL ASSISTANTS

No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)

Fifteen hundred dollars allowed for private secretary. (Colo. V 30.)

May appoint not exceeding two secretaries, and may provide such other clerical force as may be required in office, but total cost of secretaries and clerical force not to exceed $6,000 a year. (Ga. V Sec. I 19.)

May appoint military secretary to hold office during his pleasure or until his term expires. (N.Y. XI 4.)

May appoint secretary of civil and military affairs "during pleasure, whose services he may at all times command"; compensation to be provided by law. (Vt. II 21.)

COMPENSATION

Salary

As to whether salary fixed may be changed by law, See below, this subdivision, INCREASE OR DECREASE.

Fixed by law. (Ala. V 118; Colo. IV 19; Conn. IV 4; Del. III 7; Ill. V 23; Ind. V 22; Kan. I 15; Ky. 74; Me. V Pt. I 6; Mass. Pt. II Ch. II Sec. I 13; Minn. V 5; Miss. V 118; Mo. V 24; N.H. II 57; N.J. V 5; N.C. III 15; Ohio III 19; R.I. VII 11, Amend. XI 1; S.C. IV 13; Tenn. III 7; W.Va. VII 19.)

Fixed at $1,500. (Ore. XIII 1.)

Fixed at $2,000. (Utah VII 20.)

Fixed at $2,500. (Nebr. V 24; S.D. XXI 2; Wyo. IV 13.)

Fixed at $3,000. (Ga. V Sec. I 2; Ida. IV 19; N.D. III 84.)

Fixed at $3,500. (Ark. Sched. 28; Fla. IV 29.)

Fixed at $4,000. (Ariz. V 13; Wash. III 14.)

Fixed at $4,000 "and no more". (Tex. IV 5.)

Fixed at $4,500. (Md. II 21; Okla. Sched. 15.)

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GOVERNOR (*Cont'd*)
COMPENSATION (*Cont'd*)
Salary (*Cont'd*)
Fixed at $5,000. (Colo. V 30; Mich. VI 21; Mont. VII 4; N.M. V 12; Va. V 72; Wis. V 5.)
Fixed at $7,500, after third Monday of May, 1915. (La. 65 (1914).)
Fixed at $10,000. (Cal. V 19; N.Y. IV 4.)
Increase or Decrease
In General
Allowed. (Ariz. V 13; Ida. IV 19; Mont. VII 4; N.D. III 84; Okla. Sched. 15; Utah VII 20; Wyo. IV 13.)
Allowed by law passed by two-thirds vote of both branches of legislature. (Ga. V Sec. I 2.)
Allowed after eight years from adoption of constitution. (Fla. IV 29.)
Allowed after 10 years from date of admission as state. (N.M. V 12.)
Allowed, but total not to exceed $4,000. (Ark. XIX 11.)
Increase allowed, but total not to exceed $3,000. (S.D. XXI 2.)
Increase allowed, but total not to exceed $6,000. (Wash. III 14.)
Increase prohibited. (Mich. VI 21; Tex. IV 5.)
May be diminished; but not increased. (Cal. V 19.)
During Term
Increase during term of office prohibited. (Mont. VII 4.)
Decrease prohibited during term for which elected. (R.I. VII 11.)
Prohibited during continuance in office. (Me. V Pt. I 6.)
Prohibited during official term. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Miss. V 118; Mo. V 24; W.Va. VII 19.)
Prohibited during period for which elected. (Ala. V 118; Cal. V 19; Del. III 7; Ga. V Sec. I 2; Ind. V 22; Kan. I 15; N.J. V 5; N.Y. X 9; N.C. III 15; N.D. III 84; Ohio III 19; Okla. VI 34; S.C. IV 13; Tenn. III 7; Wyo. IV 13.)
Prohibited to extent that it affects salary during term. (Ida. IV 19, V 27.)
Prohibited to extent that it affects salary during term, unless vacancy occurs, in which case successor to receive only salary provided by law at time of election. (Utah VII 20.)
Compensation not to be varied so as to take effect until after election after passage of law establishing such compensation. (Conn. IV 4.)
Compensation Other Than Salary
Not to receive any pension or salary from any other state, or government or power. (Mass. Pt. II Ch. VI 2.)
No other emolument than salary to be received from state or any other government. (Va. V 72.)

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GOVERNOR (*Cont'd*)

COMPENSATION (*Cont'd*)

Compensation Other Than Salary (*Cont'd*)

No other emolument than salary to be received from United States or state or any foreign power. (Ga. V Sec. I 2.)

Emolument or allowance other than salary, prohibited. (N.C. III 15.)

Salary to be in full for all traveling or other expenses incident to duties. (Wis. V 5.)

Salary to be in full payment for all services rendered. (N.M. V 12.)

Salary to be in full for all services rendered in official capacity or employment during term of office. (Cal. V 19; Ida. IV 19; Mont. VII 4; Utah VII 20.)

Compensation limited to salary. (Ark. XIX 11; Ill. V 23; Ky. 96; Mo. V 24; Nebr. V 24; N.M. V 12; N.Y. X 9; Okla. VI 34; W.Va. VII 19.)

Not to receive additional compensation beyond salary for services rendered state in connection with internal improvement fund or other interests belonging to state. (Fla. IV 29.)

Fees for performance of duties not to be received. (Ida. IV 19; Mont. VII 4; N.M. V 12; Utah VII 20.)

Fees or perquisites for performance of duties not to be received. (Ark. XIX 11; Cal. V 19; Ill. V 23; Mich. VI 21; Mo. V 24; Nebr. V 24; N.Y. X 9; Okla. VI 34; Ore. XIII 1; S.D. XXI 2; W.Va. VII 19.)

Fees or perquisites for performance of duty connected with office or for performance of additional duty imposed by law not to be received. (Nev. XVII 5.)

Costs not to be received. (Ark. XIX 11; Ill. V 23; Mo. V 24; Nebr. V 24; Okla. VI 34; W.Va. VII 19.)

Interest on public moneys in hands or under control, not to be received to own use. (Nebr. V 24.)

Payment into treasury, *See below, this title,* FEES.

Expenses

Salary to be in full for all traveling or other expenses incident to duties. (Wis. V 5.)

Legislature may provide for actual and necessary expenses while traveling in state in performance of official duty. (Ida. IV 19; Utah VII 20.)

Legislature may provide for payment of actual or necessary expenses incurred while in performance of official duty. (Ida. V 27.)

Legislature may provide contingent fund, for which he must account. (Md. III 32.)

Clerical assistants, *See above, this title,* CLERICAL ASSISTANTS.

Payment

Monthly on own warrant. (La. 65.)

Quarterly. (Ida. IV 19; Mont. VII 4; Nev. XVII 5; N.M. V 12; Utah VII 20.)

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GOVERNOR (*Cont'd*)

CONTINGENT FUND

See also above, this title, COMPENSATION — EXPENSES.

Legislature may provide; governor to account for. (Md. III 32.)

COUNCIL

Under this subhead are digested those provisions which specifically refer to this body or its members. For provisions relating to all public officers, and hence to councillors, See the title PUBLIC OFFICERS.

Compensation

Compensation by such grant as legislature shall think reasonable. (N.H. II 57.)

Composition

Composed of secretary of state, auditor, treasurer and superintendent of public instruction; three to constitute quorum. (N.C. III 14.)

Seven councillors chosen biennially on first Wednesday in January by joint vote of legislature; not more than one councillor to be elected from any senatorial district; if election not completed may be adjourned from day to day. (Me. V Pt. II 1, 2, IX 4.)

Eight councillors annually chosen by electors qualified to vote for governor; election governed by same rule as election of governor; legislature after each state census to divide commonwealth into eight districts of contiguous territory; each district being entitled to one councillor. Lieutenant-governor to be member except when chair of governor vacant. (Mass. Amend. XVI, Pt. II Ch. II Sec. II 2.)

Five councillors elected biennially in month of November by freeholders and other inhabitants in each county qualified to vote for senators; if tie in any county legislature by joint ballot to elect person from those in tie. If election not completed may be adjourned from day to day. Legislature may divide state into five districts of nearly same number of population, each district to elect a councillor in the same manner as in case of election by counties. (N.H. II 59, 60, 65, 64.)

Governor, and in his absence lieutenant-governor, to be president, but to have no vote. (Mass. Pt. II Ch. II Sec. II 2.)

Impeachment

See also IMPEACHMENT.

Councillors may be impeached for bribery, corruption, malpractice or maladministration. (N.H. II 62.)

Meetings and Records

Meetings at discretion of governor. (Mass. Pt. II Ch. II Sec. I 4; Me. V Pt. II 1; N.H. II 61.)

Records kept by secretary of state and laid before either branch of legislature on request. (Me. V Pt. III 4.)

Resolutions and advice to be kept in register and signed by members present; dissenting member may record his opinion; record subject to call of either house of legislature. (Mass. Pt. II Ch. II Sec. III 5; N.C. III 14.)

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GOVERNOR (*Cont'd*)

COUNCIL (*Cont'd*)

Meetings and Records (*Cont'd*)

Resolutions and advice to be kept in register and signed by members agreeing; dissenting member may record his opinion; register may be called for by either house of legislature. (Me. V Pt. II 3; N.H. II 63.)

Oath of Office

Form prescribed; affirmation allowed to Quakers; administered by president of senate in presence of both houses. (Mass. Pt. II Ch. VI 1.)

Form prescribed; affirmation allowed; administration in manner prescribed by law. (N.H. II 83, 84.)

Administered to councillors by presiding officer of senate in presence of both houses and if unable to attend during session of legislature administration may be by any justice of the highest court during recess of legislature. (Me. IX 1.)

No oath other than oath of allegiance and of office prescribed in constitution to be required. (Mass. Amend. VII.)

Powers and Duties

To advise governor in the executive part of the government. (Me. V Pt. II 1; Mass. Pt. II Ch. II Sec. III 1; N.H. II 59; N.C. III 14.)

Governor, and majority of council to hold and keep council for ordering and directing the affairs of state, according to law. (Me. V Pt. II 1; Mass. Pt. II Ch. II Sec. I 4, Sec. III 1; N.H. II 61.)

Acting as governor if offices of governor and lieutenant-governor are vacant. (Mass. Pt. II Ch. II Sec. III 6.)

Advice necessary to adjourning, proroguing and convening of legislature by governor. (Mass. Pt. II Ch. II Sec. I 5, 6; N.H. II 49.)

Governor and council to issue warrants for payments from treasury. (Me. V Pt. IV 4.)

Advice and consent necessary to warrants by governor for payments out of treasury. (Mass. Pt. II Ch. II Sec. I 11; N.H. II 55.)

Advice and consent necessary to "issue" and "disposal" of warrants by governor, of. (N.H. II 5.)

Governor and council to hear and determine all causes of marriage, divorce and alimony and all appeals from judges of probate until legislature makes other provision. (Mass. Pt. II Ch. III 5.)

Advice and consent necessary to appointment by governor of judicial officers, coroners, notaries public and other civil and military officers not otherwise provided for by constitution or law. (Me. V Pt. I 8.)

Advice and consent necessary to appointment by governor of judicial officers, solicitor-general, coroners and notaries public. (Mass. Pt. II Ch. II Sec. I 9, Amend. IV.)

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GOVERNOR (*Cont'd*)
COUNCIL (*Cont'd*)
Powers and Duties (*Cont'd*)
Approval of majority necessary to appointment of judicial officers, attorney-general, coroner, officers of the navy and general and field officers of the militia. (N.H. II 45.)
Governor and council to have negative on each other in nominations and appointments. Every nomination and appointment to be signed by governor and council, and every negative to be signed by "governor or council who made the same". (N.H. II 46.)
Advice and consent necessary to filling of vacancy during recess of legislature in office of secretary, treasurer, auditor or attorney-general. (Mass. Amend. XVII.)
Advice and consent necessary to filling vacancies by governor in office of judges and registers of probate. (Me. VI 7.)
Advice and consent necessary to filling of vacancy in council during recess of legislature. (Mass. Amend. XXV.)
Advice and consent necessary to filling vacancy by governor in office of attorney-general during recess of legislature. (Me. IX 11.)
Advice necessary to filling vacancies by governor in offices in militia, and to appointment by governor of officers of continental army. (Mass. Pt. II Ch. II Sec. I 10.)
Advice necessary to removal of officers by governor on address of both branches of legislature. (Me. IX 5.)
Consent necessary to removal by governor of judicial officers on address of legislature. (N.H. II 72.)
Advice and consent necessary to removal by governor of notaries public. (Mass. Amend. IV.)
Governor and council to fix term of office of officers where not otherwise provided. (Me. IX 6.)
Advice necessary to pardons by governor. (Mass. Pt. II Ch. II Sec. I 8.)
Governor and council may punish by imprisonment persons guilty of disrespect by disorderly or contemptuous behavior in their presence, or person, who in town where sitting, threatens harm to body or estate of any of members for anything said or done in the council or who assaults any of them therefor, or who assaults or arrests any witness or other person ordered to attend the council in his going or returning or who rescues any person arrested by order of the council; but no imprisonment for any of these offenses shall be for a term exceeding 30 days. (Mass. Pt. II Ch. I Sec. III 10, 11.)
May require opinion of justices of superior court on important questions of law and on solemn occasions. (N.H. II 73.)
Governor and council may require opinion of highest court on important questions of law, and on solemn occasions. (Mass. Pt. II Ch. III 1.)

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GOVERNOR (*Cont'd*)

COUNCIL (*Cont'd*)

Privileges

Councillors privileged from arrest in same manner as senators and representatives. (Me. V Pt. II 2.)

Councillors, in "civil arrangements" of state, to rank after lieutenant-governor. (Mass. Pt. II Ch. II Sec. III 3.)

Qualifications and Disqualifications

Councillors to have same qualifications as senators. (N.H. II 60.)

Residence in state for five years preceding election necessary to be eligible to office of councillor. (Mass. Amend. XVI.)

Possession of freehold or of other estate not to be required as qualification for seat. (Mass. Amend. XIII.)

Councillor ineligible to legislature. (N.H. II 94.)

Councillor not to be appointed to any office during term for which elected. (Me. V Pt. II 4.)

Member of Congress or of legislature of this state, or person holding office under United States (post-officers excepted) or civil officer under this state (justices of the peace and notaries public excepted) cannot be councillors. (Me. V Pt. II 4.)

No judge (except of court of sessions) and no person holding office under authority of United States (postmasters excepted) shall, at the same time, hold office of councillor. (Mass. Amend. VIII.)

Judge of highest court or judge of probate ineligible to council and councillor ineligible to either of those offices; if he accepts office, seat in council vacant. (Mass. Pt. II Ch. VI 2.)

Judge, secretary of state, treasurer, attorney-general, commissary-general and military officers receiving pay from "the continent" or this state (excepting officers of militia occasionally called forth on an emergency), registers of deeds, officers of the customs, including naval officers, collectors of excise and state and continental taxes hereafter appointed "and not having settled their accounts", and members of Congress or person holding office under United States, not to hold at same time seat in council; but election or appointment to such office and acceptance to operate as resignation from council and vacancy to be filled. (N.H. II 94.)

Term of Office

One year from first Wednesday of January and until successors qualify. (Mass. Amend. X.)

Two years. (Me. V Pt. II 2; N.H. II 59.)

Vacancy in Office

Legislature by concurrent vote to choose person from same district; if vacancy during recess of legislature, governor, with advice and consent of council, may fill. (Mass. Amend. XXV.)

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GOVERNOR (*Cont'd*)

COUNCIL (*Cont'd*)

Vacancy in Office (*Cont'd*)

In case of death, resignation, removal out of state, refusal to accept office or election as governor or member of legislature and acceptance of such office, to be filled by election to be called by governor. (N.H. II 61.)

Filled in same manner as original membership. (Me. V Pt. II 2.)

DUAL OFFICE HOLDING, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

ELECTION

Under this subhead are digested those provisions which specifically refer to this officer; for provisions relating to elections in general, See the title, ELECTIONS.

Electors

Qualified electors of state. (Ala. V 114; Ark. VI 3; Cal. V 2; Colo. IV 3; Conn. IV 1; Del. III 2; Fla. IV 2; Ida. IV 2; Iowa IV 2; Kan. I 1; Ky. 70; Me. V Pt. I 2; Minn. V 1; Mont. VII 2; Nev. V 2; N.J. V 2; N.C. III 1; N.D. III 74; Ohio III 1; Ore. V 4; R.I. VII 1; S.D. IV 3; Tex. IV 2; Utah VII 2; Va. V 70; Wash. III 1; Wis. V 3; Wyo. IV 3.)

Same as for senators. (N.H. II 41.)

Same as for members of lower house. (La. 62; Md. II 2; Pa. IV 2; S.C. IV 2.)

Same as for members of legislature. (Ga. V Sec. I 3; Mass. Pt. II Ch. II Sec. I 3; Tenn. III 2.)

Male citizens, 21 years and older (excepting paupers, persons under guardianship, and persons temporarily or permanently disqualified by law because of corrupt practices at elections), who have resided in state one year, and in town or district six months before election. (Mass. Amend. 3, 40.)

Change of residence within state not to disqualify elector in city or town from which he removed until six months from removal. (Mass. Amend. XXX.)

Male citizens 21 years and over (except paupers, persons under guardianship, and Indians not taxed) having residence in state for three months before election; soldiers and sailors not to gain residence by being stationed in state nor shall students gain residence by attending at seminary of learning; but residence not lost by absence from state on military service of United States or of this state. (Me. II 1.)

Person receiving in any county or district the highest number of votes, to be deemed to have received as many votes as county or district is entitled to members in lower house. If member of lower house apportioned to two or more counties or districts, electoral vote based on such representative to be equally divided among such counties or districts. (Miss. V 140.)

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GOVERNOR (*Cont'd*)

ELECTION (*Cont'd*)

Time and Places

As prescribed by law. (W.Va. VII 2.)

Same as for members of legislature. (Ala. V 114; Ark. VI 3; Fla. IV 2; Ida. IV 2; Ind. V 3; Iowa IV 2; Kan. I 1; Mont. VII 2; Nev. V 2; N.C. III 1; N.D. III 74; N.J. V 2; Ore. V 4; S.D. IV 3; Tenn. III 2; Tex. IV 2; Utah VII 2; Va. V 70; Wash. III 1; Wis. V 3; Wyo. IV 3.)

Same as for members of lower house. (Cal. V 2; La. 62; N.Y. IV 3.)

At general election. (Colo. IV 3; S.C. IV 2.)

At general biennial election. (Mich. VI 1.)

First Wednesday in October, 1880, and biennially thereafter until otherwise provided by law; to be held at places for holding general elections in counties in manner prescribed for election of members of legislature. (Ga. V Sec. I 3.)

Biennially in November. (N.H. II 41.)

At general election; place same as for members of lower house. (Pa. IV 2.)

At general election in 1876 and every four years thereafter. (Mo. V 2.)

Every four years, at general election. (Del. III 2.)

Second Monday of September biennially, except for citizens absent from the state on military service (for whom provision is made in great detail). (Me. II 4.)

Tuesday after first Monday in November. (Mass. Amend. XV.)

Biennially on first Tuesday after first Monday of November. (Vt. II 35.)

Tuesday after first Monday in November, at places for voting for members of legislature. (Ohio III 1.)

Tuesday after first Monday of November, 1867, and every fourth year; place same as for members of lower house. (Md. II 2.)

Tuesday after first Monday of November, 1872, and every four years thereafter. (Ill. V 3.)

Tuesday after first Monday in November, 1876, and biennially thereafter. (Nebr. V 1.)

Tuesday after first Monday of November, 1886, and biennially thereafter. (Conn. Amend. XXVII 1.)

Tuesday after first Monday in November, 1895, and every four years thereafter. (Ky. 95.)

Tuesday after first Monday of November, 1895, and every fourth year thereafter until changed by law; in counties and districts created for election of members of lower house. (Miss. V 140.)

At town, ward and district meetings on Tuesday after first Monday in November, 1912, and biennially. (R.I. Amend. XVI.)

Returns and Canvass

Contested Elections. See below, this subdivision, CONTESTED ELECTIONS.

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GOVERNOR (*Cont'd*)
ELECTION (*Cont'd*)
Returns and Canvass (*Cont'd*)
Elections in Case of Tie Vote, See below, this subdivision, TIE VOTE.
Canvassing Board
Until otherwise provided by law, abstract of returns to be sealed and transmitted to secretary of state who, with lieutenant-governor and attorney-general, constitutes a board of canvassers; to meet at state capitol on second Tuesday of December after election to proclaim result. (Kan. I 2.)
Result of election determined by board of state canvassers, composed of secretary of state, treasurer and commissioner of state land office. If latter office abolished another state officer designated by law as member of board. (Mich. VI 20.)
Made to secretary of state, and canvassed by board composed of secretary and two or more of judges of the highest court and two disinterested judges of the district courts; result declared within three days after canvass. (Minn. V 2.)
Sealed and transmitted to seat of government, directed to secretary of state; on third Monday of December after election chief justice of highest court and associate justices or a majority to meet at office of secretary of state and open and canvass returns and declare result and publish names. (Nev. V 4.)
Sealed and transmitted to secretary of state, who, with governor and chief justice, constitutes state canvassing board to canvass and declare result of election: (N.M. V 2.)
Lower House
Sealed and transmitted to seat of government, directed to secretary of state and by him delivered to speaker of house at next session of legislature within one day after his election. Speaker on next Tuesday to open and publish in presence of lower house, which shall count the vote of each county and district. If tie in votes of county or district, electoral vote to be considered as equally divided. Person found to have received majority of all electoral votes and also a majority of popular votes, to be elected. (Miss. V 140.)
Joint Committee of Both Houses
Returns made by constable of each town to members of lower house; at opening of legislature joint committee of both houses appointed to canvass votes after being sworn. Majority vote of people necessary to choice. (Vt. II 39.)
Both Houses
Sealed and transmitted to speaker who opens and publishes in presence of both houses. (Ind. V 4; Iowa IV 3; Ore. V 4.)

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GOVERNOR (*Cont'd*)
ELECTION (*Cont'd*)
Returns and Canvass (*Cont'd*)
Both Houses (*Cont'd*)

Sealed and transmitted to speaker at commencement of next session of legislature, who opens in presence of both houses; if person having highest number of votes is ineligible governor to be chosen by legislature. (Md. II 2, 3, 4.)

Sealed and transmitted to president of senate, who opens and publishes in presence of members of both houses. (Pa. IV 2.)

Sealed and transmitted to president of senate, or if vacancy in his office or absence from state, to secretary of state who keeps them until president of senate chosen to whom they are immediately transmitted after election and who opens and publishes in presence of members of both houses. Duplicates of returns also immediately lodged with clerk of court of each county. (Del. III 3.)

Sealed and transmitted to speaker who opens and publishes in presence of majority of members of both houses. (N.C. III 3.)

Sealed and transmitted to president of senate who opens and publishes in presence of majority of members of both houses. (Tenn. III 2.)

Sealed and transmitted to secretary of state who delivers to speaker at first meeting of house, who opens and publishes in presence of majority of members of both houses. (Wash. III 4.)

Returns sealed separately and directed to president of senate and speaker of house and transmitted to secretary of state, who, without opening, lays them before senate on day after two houses organized; transmitted by senate to house. Members of each house to convene and president of senate and speaker to open and publish in presence and under direction of legislature. Majority vote of people necessary to choice. (Ga. V Sec. I 4, 5.)

Sealed and transmitted to secretary of state in same manner as returns of votes for senators. Secretary of state on first Wednesday of January to lay them before both houses. (Me. V Pt. I 3.)

Detailed provisions for sealing and transmitting to secretary of state who lays them before senate and lower house on the first Wednesday of January. (Mass. Pt. II Ch. II Sec. I 3, Amend. 10; N.H. II 31, 41.)

Detailed provisions for transmitting to secretary of state. Votes to be counted by treasurer, secretary of state and comptroller in month of April and laid before general assembly on first day of session. (Conn. IV 2.)

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GOVERNOR (*Cont'd*)
ELECTION (*Cont'd*)
Returns and Canvass (*Cont'd*)
Both Houses (*Cont'd*)

Sealed and transmitted to secretary of state who delivers unopened to next legislature. Members of legislature meet on first Thursday after assembling to canvass votes. (La. 62.)

Sealed and transmitted to speaker, who, during first week of session, opens and publishes in presence of both houses of legislature. (Ark. VI 3; Cal. V 4.)

Sealed and transmitted to speaker of house, who, during first week of session, opens and publishes in presence of both houses in joint convention, but speaker's duty and duty of joint convention to be purely ministerial. (Ala. V 115.)

Until otherwise provided by law to be sealed and transmitted to secretary of state, who delivers to speaker as soon as chosen, who during first week of session opens and publishes in presence of both houses. (Tex. IV 3.)

Sealed and transmitted to secretary of state who delivers to speaker of house on first day of session. Speaker within week thereafter opens in presence of majority of each house. (Va. V 70.)

Sealed and transmitted to president of senate, who, during first week of session, opens and publishes in presence of majority of members of each house. If no session in January after election, returns made to secretary of state, and opened and result declared by governor, in manner prescribed by law. (Ohio III 3, 4.)

Sealed and transmitted to seat of government, directed to secretary of state, who delivers to speaker at next session of legislature; duplicates filed with clerks of courts of counties, who forward certified copy on notification that returns previously forwarded have not been received. Secretary of state delivers returns to speaker at next session of legislature, and during first week or as soon as legislature organized by election of presiding officers speaker opens and publishes in presence of both houses. (S.C. IV 4.)

Sealed and transmitted to speaker, who, immediately after organization of house and before proceeding to other business, opens and publishes in presence of majority of each house. (Ill. V 4; Mo. V 3; Nebr. V 4; Okla. VI 5; W.Va. VII 3.)

Sealed and transmitted to speaker, who, immediately on organization of house and before proceeding to other business, opens and publishes in presence of majority of members of both houses. (Colo. IV 3.)

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GOVERNOR (*Cont'd*)

ELECTION (*Cont'd*)

Returns and Canvass (*Cont'd*)

As Prescribed by Law

Returns made in manner prescribed by law. (Ida. IV 2; Mont. VII 2; N.D. III 74; S.D. IV 3; Wis. V 3; Wyo. IV 3.)

In Case of Election to Fill Vacancy, See below, this title, SUCCESSION TO OFFICE.

Failure to Elect

As to what officer acts during vacancy, *See below, this title,* SUCCESSION TO OFFICE — ORDER OF SUCCESSION.

Failure to receive highest number of votes, *See below, this subdivision,* TIE VOTE.

Legislature, on organization, to meet in joint convention and elect, by majority vote, person to fill the office, who shall serve for full term and until successor elected and qualified. (R.I. Amend. XI 3, 7.)

Legislature to provide by general law what officer shall act as governor when failure to elect governor and lieutenant-governor. (Vt. II 24.)

Failure to qualify, *See below, this title,* SUCCESSION TO OFFICE — CASES IN WHICH SUCCESSOR ACTS.

Contested Elections

Procedure in case of tie vote, *See below, this subdivision,* TIE VOTE.

Determined as prescribed by law. (Ida. IV 2; Mont. VII 2; N.J. V 2.)

Legislature to prescribe by law manner in which all questions concerning election shall be determined. (Conn. IV 2.)

All questions in relation to eligibility of governor, and to returns of election, and to number and legality of voters therein given, to be determined by lower house. (Md. II 4.)

Determined by both houses of legislature in joint session. (Tex. IV 3.)

Determined by legislature in manner prescribed by law. (Ala. V 115; Ga. V Sec. I 6; Ind. V 6; Iowa IV 5; Ky. 90; Ore. V 6; S.C. IV 4; Tenn. III 2; Wash. III 4.)

Determined by both houses of legislature by joint ballot in manner prescribed by law. (Colo. IV 3; Ill. V 4; Mo. V 25; Nebr. V 4; N.C. III 3; Va. V 70; W.Va. VII 3.)

Determined by members of both houses in joint session (except in case of special election) at first session of legislature after election in which contest arises. (Ark. VI 4.)

Contests concerning vote of county or district to be decided by majority of whole number of members of lower house by a *viva voce* vote recorded in journal. (Miss. V 140.)

Determined by committee selected from both houses of legislature and formed and regulated in manner prescribed by law; chief justice of highest court to preside, and to decide on admis-

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GOVERNOR (*Cont'd*)
ELECTION (*Cont'd*)
Contested Elections (*Cont'd*)
sibility of evidence, and, on request of committee, to pronounce opinions on questions of law. (Pa. IV 2, 17.)
Determined by joint committee consisting of one-third of all members elected to each house to be selected by ballot of the houses respectively. Every member of committee to take oath or affirmation and committee to hold public sessions. Chief justice, or if he is absent or disabled, chancellor shall preside at trial of contested election, and decide questions regarding admissibility of evidence, and on request of committee pronounce opinion on questions of law. (Del. III 4.)
Tie Vote
Determined by lot as legislature may direct. (Ky. 70.)
Lower house to elect two out of four persons who had highest number of votes; senate to elect one of such persons. (Mass. Pt. II Ch. II Sec. I 3, Amend. 14.)
Lower house to elect two out of four persons who had highest number of votes; senate to elect one of such persons. If elections not completed may be adjourned from day to day. (Me. V Pt. I 3, IX 4, Amend. 23, 24.)
If no person has majority of votes, legislature by joint vote to elect one of three candidates having highest number of votes. (Vt. II 39.)
Legislature by joint vote at next annual session, forthwith to elect one of persons in tie. (N.Y. IV 3; Wis. V 3.)
Legislature at next regular session to elect forthwith by joint vote one of persons in tie. (Ariz. V 1; Ida. IV 2; Mont. VII 2; N.D. III 74; Ore. V 5; S.D. IV 3; Utah VII 2; Wyo. IV 3.)
Legislature by joint vote to elect one of persons in tie. (Cal. V 4; Colo. IV 3; Ill. V 4; Kan. I 2; Mo. V 3; Nebr. V 4; Nev. V 4; N.M. V 2; N.C. III 3; Ohio III 3; Pa. IV 2; Tenn. III 2; Va. V 70; Wash. III 4; W.Va. VII 3.)
Legislature by joint vote to elect one of persons in tie; majority vote necessary to choice. (N.J. V 2; R.I. Amend. XI 3, 7.)
Legislature by joint vote to elect one of persons in tie; majority of members elected necessary to choice. (Ark. VI 3.)
Legislature by joint ballot to choose one of persons in tie and if two or more are still in tie president of senate to have casting vote. (Del. III 3.)
Legislature by joint majority of senate and lower house, to choose one of persons in tie by *viva voce* vote; if tie then results second vote to be taken confined to the persons having equal and highest number, and if vote is again equal election determined by lot among those who have highest and equal number on the first vote. (Md. II 4.)
Legislature by joint vote without delay to elect one of persons in tie. (Ala. V 115; Ind. V 5; Iowa IV 4; La. 62; Okla. VI 5; Tex. IV 3.)

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GOVERNOR (*Cont'd*)

ELECTION (*Cont'd*)

Tie Vote (*Cont'd*)

Legislature on second day of session by joint vote to elect without debate one of persons in tie. (Conn. Amend. XXX.)

Legislature by joint vote, on first Wednesday of January, to elect one of persons in tie; if election not completed may be adjourned from day to day. (N.H. II 41, 65.)

Legislature, during same session, to elect by *viva voce* vote one of persons in tie. (S.C. IV 4.)

If no person has majority, legislature immediately to elect one of two persons having highest vote; election by *viva voce* vote, and majority of members present necessary to choice. (Ga. V Sec. I 5.)

If no person receives majority of electoral votes and also majority of popular vote, lower house elects one of two persons having highest number of popular votes. Election by *viva voce* vote recorded in journal. (Miss. V 141.)

To Fill Vacancy, *See below, this title,* SUCCESSION TO OFFICE.

EXECUTIVE MANSION, *See below, this title,* RESIDENCE.

EXPENSES, *See above, this title,* COMPENSATION.

FEES

As to whether fees may be received, See above, this title, COMPENSATION — COMPENSATION OTHER THAN SALARY.

Fee and profits to be covered into treasury. (N.D. III 84; Wyo. IV 13.)

Fees payable by law to be paid in advance into treasury. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; Nebr. V 24; W.Va. VII 19.)

Fees payable by law to be collected in advance and deposited with treasurer quarterly to credit of state. (Ida. IV 19; Mont. VII 4; Utah VII 20.)

FREE PASSES, ETC.

During term of office not to accept, hold or use free pass nor purchase, receive or accept transportation over railroad within state for himself or family on terms not open to general public, and on conviction to forfeit office, be guilty of felony and punished by fine of not more than $1,000 or by imprisonment in penitentiary not less than one nor more than five years. (N.M. XX 14.)

IMPEACHMENT

Under this subhead are digested those provisions which specifically refer to the governor.

For provisions as to impeachment generally, See the title, IMPEACHMENT.

Grounds for

Liable to impeachment (grounds not stated). (Conn. IX 3; R.I. XI 3; S.C. XV 3; Tex. XV 2.)

Legislature may provide by law for impeachment. (Md. II 7.)

Misdemeanor in office. (Cal. IV 18; Fla. III 29; Ill. V 15; Kan. II 28; Ky. 68; N.J. V 11; Ohio II 24; Pa. VI 3.)

Misdemeanor or malfeasance in office. (Iowa III 20; Nev. VII 2.)

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GOVERNOR (*Cont'd*)

IMPEACHMENT (*Cont'd*)

Grounds for (*Cont'd*)

High crimes, misdemeanors or malfeasance in office. (Ariz. VIII Pt. II 2; Utah VI 19.)

High crimes and misdemeanors, or malfeasance in office. (Mont. V 17; Wyo. III 18.)

High crimes or misdemeanors, or malfeasance in office. (Colo. XIII 2; Wash. V 2.)

High crimes and misdemeanors and gross misconduct in office (Ark. XV 1.)

High crimes or misdemeanors, and for misconduct, habits of drunkenness or oppression in office. (Mo. VII 1.)

High crimes and misdemeanors, for non-feasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness. (La. 217.)

Malfeasance in office, corruption, neglect of duty or other high crime or misdemeanor. (Va. IV 54.)

Treason, bribery or high crime or misdemeanor in office. (Del. VI 2; Miss. IV 50.)

Corrupt conduct in office or for crimes and misdemeanors. (Minn. XIII 1.)

Drunkenness, crimes, corrupt conduct or malfeasance or misdemeanor in office. (S.D. XVI 3.)

Habitual drunkenness, crimes, corrupt conduct, or malfeasance, or misdemeanor in office. (N.D. XIV 196.)

Wilful neglect of duty, corruption in office, habitual drunkenness, incompetency or offense involving moral turpitude while in office. (Okla. VIII 1.)

Wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics or offense involving moral turpitude in office. (Ala. VII 173.)

Crime in official capacity which may require disqualification. (Tenn. V 4.)

Procedure

Two-thirds vote of members elected to lower house necessary to preferment of charges. (R.I. XI 1.)

If during recess of legislature majority of members elected to lower house certify in writing to secretary of state desire to meet to consider impeachment of governor, lieutenant-governor or acting governor, secretary of state shall notify speaker of house who within 10 days summons members by publication in newspaper to assemble at capitol on day fixed by the speaker, not less than 15 days after receipt of notice. If lower house prefers articles, speaker to forthwith notify lieutenant-governor unless he is impeached, in such case he shall notify secretary of state who summons members of senate to assemble at capitol on day named not less than 10 days after receipt of notice from speaker. Senate to hear and try articles as preferred by house. (Ala. VII 173.)

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GOVERNOR (*Cont'd*)

IMPEACHMENT (*Cont'd*)

Procedure (*Cont'd*)

On trial of governor, lieutenant-governor not to act as member of court. (Ky. 84; Minn. XIII 4; N.Y. VI 13; N.D. XIV 199; S.D. XVI 6; Wis. VII 1.)

Presiding officer on trial, *See* IMPEACHMENT — TRIAL.

Suspension Pending Proceedings

In case of "impeachment" officer next in succession to act pending proceedings. (Ala. V 127; Conn. Amend. XXXIV; Fla. III 34; Iowa IV 17; N.J. V 13; N.D. III 72; Ohio III 15; S.C. IV 9; S.D. IV 6; Tex. IV 16.)

Not to exercise duties after impeachment and before acquittal. (Minn. XIII 3; N.M. IV 36; R.I. XI 1; Utah VI 20.)

In case of impeachment and notice thereof officer next in succession to act for remainder of term or till disability removed. (Nebr. V 16.)

In case of impeachment officer next in succession to act for remainder of term or until governor "absent or impeached, shall have returned or disability shall cease". (Wis. V 7.)

Legislature may provide for suspension pending "impeachment or prosecution for misconduct in office". (Colo. XII 1; Wyo. VI Elections 4.)

In case of "disability" (impeachment not mentioned) officer next in succession to act as governor. (Ga. V Sec. I 8.)

In case of "impeachment", officer next in succession to act as governor. (Ariz. V 6; Cal. V 16; Ida. IV 12; Kan. I 11; Mich. VI 16; Mont. VII 14; Nev. V 18; N.Y. IV 6; N.C. III 12; Okla. VI 16.)

In case of removal from office (impeachment not mentioned) officer next in succession to act as governor. (Me. V Pt. I 14; Tenn. III 12.)

In case of removal from office (impeachment not mentioned) or disability, officer next in succession to act as governor. (Del. III 20; Ind. V 10; Vt. II 24; Va. V 78; Wash. III 10.)

In case of vacancy in office (impeachment not mentioned), officer next in succession to act as governor. (Mass. Pt. II Ch. II Sec. II 3; Miss. V 131; N.H. II 48.)

In case of "conviction on impeachment" officer next in succession to act as governor. (Ark. VI 12; Ill. V 17; Ky. 84; La. 219; Md. II 7; Mo. V 16; Pa. IV 13; W.Va. VII 16.)

As to what officer is next in succession, See below, this title, SUCCESSION TO OFFICE.

MESSAGES

From time to time to give legislature information and make recommendations. (Ala. V 123; Ark. VI 8; Colo. IV 8; Conn. IV 8; Del. III 15; Ida. IV 8; Ind. V 13; Ky. 79; La. 74; Me. V Pt. I 9; Md. II 19; Miss. V 122; Mo. V 9; Mont. VII 10; N.C. III 5; Ore. V 11; Pa. IV 11; S.C. IV 15; Tenn. III 11.)

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GOVERNOR (*Cont'd*)

MESSAGES (*Cont'd*)

From time to time such matters as he may elect or legislature require. (Okla. VI 9.)

At every session, of condition of state, and make recommendations. (Ariz. V 4; Cal. V 10; Minn. V 4; N.Y. IV 4; Ohio III 7; Va. V 73; Wash. III 6; Wis. V 4.)

Immediately on organization of each session to joint session of both houses on condition of state and make recommendations. (Okla. VI 9.)

At every regular session, of condition of state, and make recommendations. (Fla. IV 9; Iowa IV 12; Nev. V 10; Utah VII 5.)

At beginning of each session information of condition of the state and recommend measures. (Colo. IV 8; Ida. IV 8; Ill. V 7; Kan. I 5; Mo. V 10; Mont. VII 10; Nebr. V 7; N.D. III 75; S.D. IV 4; Tex. IV 9; W.Va. VII 6; Wyo. IV 4.)

At beginning of each regular session information in writing of condition of the state. (Ala. V 123.)

At end of term of office information of condition of the state and recommend measures. (Ark. VI 8; Ill. V 7; Mich. VI 5; Mo. V 10; Nebr. V 7; Tex. IV 9.)

At end of term of office information in writing of condition of the state. (Ala. V 123.)

Communicate condition of state and make recommendations. (Mich. VI 5.)

Prepare such business as may appear necessary, to lay before legislature. (Vt. II 20.)

Whenever required by legislature, information of condition of state. (Nebr. V 7.)

Statement of accounts, *See above, this title,* ACCOUNTS.

OATH OF OFFICE

Must take oath or affirmation to support constitution of United States and of state and faithfully to execute his office. (Ga. V Sec. I 10; Minn. V 8.)

Must take oath of affirmation to support constitution and laws of United States and state and perform duties of office. (N.C. III 4.)

Must take oath or affirmation to bear allegiance to state and support its constitution and perform duties of office; oath of allegiance need be taken only once. (N.H. II 83.)

Must take additional oath or affirmation that he will not receive profits of other office during term. (Md. I 6.)

No other than oath of allegiance and of office prescribed in constitution, to be required as qualification for office. (Mass. Amend. VII.)

Administered in presence of members of both houses of legislature, or before justice of highest court. (N.C. III 4.)

Administered by secretary of state or in his absence by attorney-general. (R.I. IX 5.)

Administered by president of senate in presence of both houses. (Mass. Pt. II Ch. VI 1; N.H. II 84.)

Administered by presiding officer of senate in presence of both houses,

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GOVERNOR (*Cont'd*)

OATH OF OFFICE (*Cont'd*)

and if unable to attend during session of legislature administration may be by any justice of the highest court during recess of legislature. (Me. IX 1.)

OFFICE AND PUBLIC RECORDS

Office to be kept at seat of government. (Ariz. V 1; Ark. VI 1; Kan. Sched. 6; Mich. VI 1; Nev. XV 12; Okla. VI 1.)

Office to be kept at seat of government, but in case of invasion or violent epidemics, he may direct offices of government to be removed temporarily to other place. (Fla. XVI 10.)

Public records to be kept at seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Mo. V 1; Mont. VII 1; Nebr. V 1; N.M. V 1; Okla. VI 1; Ore. VI 5; Utah VII 1; Wash. III 24; W.Va. VII 1.)

Seal of office to be kept at seat of government. (N.M. V 1.)

For keeping of records, See PUBLIC RECORDS.

POWERS AND DUTIES

In General

As prescribed by law. (Ariz. V 1; Ill. V 1; Mich. VI 1; Mo. V 1; Nebr. V 1; W.Va. VII 1.)

As prescribed in constitution and by law. (Ida. IV 1; Mont. VII 1; Okla. VI 1; Utah VII 1.)

Conservator of the peace. (Ga. V Sec. I 12; Mo. V 6; Okla. VI 8.)

Conduct in person or in such manner as prescribed by law, all intercourse with other and foreign states. (Va. V 73.)

Correspond with other states. (Vt. II 20.)

Conduct in person, or as prescribed by law, intercourse and business with other states and United States. (Okla. VI 8; Tex. IV 10.)

Transact all necessary business with officers of government. (Mich. VI 3.)

Transact necessary business with officers. (Ind. V 15; Ore. V 13.)

Transact all necessary business with civil and military officers. (N.Y. IV 4; N.D. III 75; S.D. IV 4; Wis. V 4; Wyo. IV 4.)

Transact all executive business with civil and military officers. (Ariz. V 4; Cal. V 6; Fla. IV 5; Iowa IV 8; Nev. V 6; Utah VII 5.)

Transact business with civil and military officers. (Vt. II 20.)

Superintend office in person. (Mich. VI 1.)

Licenses, may grant such as shall be directed by law. (Vt. II 20.)

Warrants for issue of money out of treasury, to sign with advice and consent of council. (Mass. Pt. II Ch. II Sec. I 11.)

Draw on treasurer for such sums as legislature may appropriate. (Vt. II 20.)

Loans, may negotiate temporary never to exceed $300,000. (Ala. XI 213.)

State money, approve depositary banks and their security. (Mo. X 15.)

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GOVERNOR (*Cont'd*)
POWERS AND DUTIES (*Cont'd*)
Appointments by
See above, this title, APPOINTMENTS WITHOUT CONFIRMATION.
See above, this title, APPOINTMENTS SUBJECT TO CONFIRMATION.
Constitutional Amendments, Proclamation of Adoption, *See* AMENDMENT OR REVISION OF CONSTITUTION.
Estimates, *See* STATE FINANCES.
Execution of Laws, *See* EXECUTIVE POWER.
Grants, Signing of, *See* GRANTS.
Initiative and Referendum, *See* INITIATIVE AND REFERENDUM.
Legislature
Writs of election to fill vacancies in, *See* LEGISLATURE — VACANCIES.
Convening of, *See* LEGISLATURE — SESSIONS.
Adjournment of, *See* LEGISLATURE — ADJOURNMENT.
Approval of bills, *See* LEGISLATIVE PROCEDURE.
Veto power
See LEGISLATIVE PROCEDURE.
See APPROPRIATIONS.
Membership on Boards
Depository board, member of. (Mont. XII 14.)
Education, member of state board of. (Ariz. XI 3; Fla. XII 3; Mo. XI 4; Mont. XI 11; N.M. XII 6; S.C. XI 2; Tex. VII 8; Va. IX 130.)
Same; until otherwise provided by law. (Okla. XIII 5.)
Education, president of state board of. (N.C. IX 9.)
Education, member of "board of the school fund". (W.Va. XII 4.)
Education, member of board for sale, leasing and management of lands and funds for. (Nebr. VIII 1.)
Education, member of board of commissioners for sale of school lands. (Ore. VIII 5.)
Education, member of board of university and school lands. (N.D. IX 156.)
Education, member of state board of land commissioners. (Mont. XI 4; Wyo. VII 13.)
State university, president of board of trustees. (Ala. XIV 264.)
Alabama Polytechnic Institute, president of board of trustees of. (Ala. XIV 266.)
Education, *ex-officio* superintendent of public instruction with powers and duties to be prescribed by law, but legislature may prescribe by law for election of superintendent. (Ore. VIII 1.)
Examiners, member of board of, to examine claims against state. (Ida. IV 18; Mont. VII 20; Nev. V 21; Utah VII 13.)
Insane asylum, member of board of commissioners of. (Utah VII 14.)
Land commissioners, member of board of. (Ida. IX 7; Wyo. XVIII 3.)
Land office, to be one of commissioners of. (Okla. VI 32.)

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GOVERNOR (*Cont'd*)

POWERS AND DUTIES (*Cont'd*)

Membership on Boards (*Cont'd*)

Prisons, member of board of state prison commissioners. (Ida. IV 18, X 5; Mont. VII 20; Nev. V 21; Utah VII 13.)

Public works, member of board of. (Md. XII 1.)

Reform school, member of board of commissioners of. (Utah VII 15.)

Registration boards, member of board to appoint. (Ala. VIII 186.)

Senatorial districts, with secretary of state and attorney-general, to apportion if legislature fails to do so. (Mo. IV 7.)

Senators, canvass votes for with five of the governor's council. (Mass. Pt. II Ch. I Sec. II 3.)

State canvassing board, member of. (N.M. V 2.)

State institutions, member of board of commissioners of. (Fla. IV 17.)

Taxation, member of board to elect members of state board of appraisers. (La. 226.)

Equalization, member of state board of. (Colo. X 15; Ida. VII 12; Mo. X 18; Mont. XII 15; Okla. X 21; Utah XIII 11.)

Militia, *See* MILITIA.

Opinions from Highest Court, *See* COURTS — HIGHEST COURT — ADVISORY OPINIONS.

Public Contracts, Approval of, *See* PUBLIC CONTRACTS.

Public Lands, *See* PUBLIC LANDS.

Public Officers

Investigation of, *See* PUBLIC OFFICERS.

Reports from, *See* PUBLIC OFFICERS.

Signing of commissions to, *See* PUBLIC OFFICERS — COMMISSIONS TO.

Removal of, *See* PUBLIC OFFICERS; for removal of a particular officer or class of officers, *See the specific title.*

Recall of, *See* RECALL OF PUBLIC OFFICERS.

Judicial officers, *See* COURTS.

In regard to accounts, etc., of state treasurer, *See* TREASURER.

In regard to accounts, etc., of state comptroller, *See* COMPTROLLER.

QUALIFICATIONS AND DISQUALIFICATIONS

Age

Twenty-five years to be eligible to office. (Ariz. V 2.)

Twenty-five years, shall have attained age of. (Minn. V 3.)

Twenty-five years at time of election. (Cal. V 3; Nev. V 3.)

Thirty years. (Del. III 6; Ky. 72; Miss. V 117; N.J. V 4; Tenn. III 3; Tex. IV 4.)

Thirty years to be eligible to office. (Ark. VI 5; Colo. IV 4; Conn. IV 1; Ga. V Sec. I 7; Ill. V 5; Ind. V 7; La. 63; Md. II 5; Mich. VI 13; Nebr. V 2; N.H. II 41; N.M. V 3; N.Y. IV 2; N.C. III 2; N.D. III 73; Okla. VI 3; Ore. V 2; Pa. IV 5; S.D. IV 2; Va. V 71; Wyo. IV 2.)

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GOVERNOR (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Age (*Cont'd*)
Thirty years at time of election. (Ala. V 117; Ida. IV 3; Iowa IV 6; Mont. VII 3; S.C. IV 3; Utah VII 3.)
Thirty years at beginning of term. (Me. V Pt. I 4; W.Va. IV 4.)
Thirty-five years. (Mo. V 5.)
Citizenship
In United States
Must be citizen. (Ark. VI 5; Colo. IV 4; Ida. IV 3; Minn. V 3; Mont. VII 3; N.M. V 3; N.Y. IV 2; N.D. III 73; Okla. VI 3; Ore. V 2; Pa. IV 5; S.D. IV 2; Tenn. III 3; Tex. IV 4; Wis. V 2; Wyo. IV 2.)
Must be natural-born citizen. (Me. V Pt. I 4.)
For two years preceding election. (Iowa IV 6; Nebr. V 2.)
For five years preceding election. (Cal. V 3; Ill. V 5; S.C. IV 3.)
For five years (preceding election?). (Ind. V 7; Mich. VI 13; N.C. III 2.)
For 10 years preceding election. (Ariz. V 2.)
For 10 years preceding election, unless natural-born citizen. (Va. V 71.)
For 10 years (preceding election?). (Ala. V 117; Fla. IV 3; La. 63; Mo. V 5.)
For 12 years preceding election. (Del. III 6.)
For 15 years. (Ga. V Sec. I 7.)
For 20 years. (Miss. V 117.)
For 20 years (preceding election?). (N.J. V 4.)
In State
For two years preceding election. (Nebr. V 2; Nev. V 3.)
For five years preceding election. (Ariz. V 2; Fla. IV 3; Ill. V 5; S.C. IV 3; Utah VII 3.)
For five years preceding election, unless citizen when constitution goes into effect. (W.Va. IV 4.)
For six years. (Ga. V Sec. I 7.)
For six years preceding election. (Ky. 72.)
For seven years preceding election. (Ala. V 117; Tenn. III 3.)
For 10 years. (Md. II 5.)
Crime as Disqualification
Conviction of asking or receiving bribe to influence official opinion or action, or of improper use of power to influence action of member of legislature, renders him ineligible to hold office of trust or honor in the state. (N.D. III 81; S.D. IV 11; Wyo. IV 10.)
Dual Office Holding
In General
Ineligible to any other office during term for which elected. (Ill. V 5; Ind. V 24; N.D. III 73; S.D. IV 2; Wyo. IV 2.)

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GOVERNOR (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Dual Office Holding (*Cont'd*)

In General (*Cont'd*)

Not to hold other office during term of service. (Va. V 69; W.Va. VII 4.)

Not to hold other office, civil, military or corporate, during time of holding office of governor. (Tex. IV 6.)

Ineligible to any other public office during term of office, except member of state board of education. (Mont. VII 4.)

Ineligible to office or appointment from legislature or either house during term for which elected; votes for him for such office to be void. (Mich. VI 15.)

Office in This State

See also above, this subdivision, DUAL OFFICE HOLDING — IN GENERAL.

Ineligible to other state office during period for which elected. (Nebr. V 2.)

Not to be elected by legislature to any office under government of this state during term for which elected. (N.J. V 8.)

Ineligible to office under this state during term or within year after expiration. (Ala. V 116.)

Not to hold any civil or military office under this state. (Ala. V 130.)

Not to hold office or other commission (except in militia) under authority of this state. (S.C. IV 3.)

Not to hold office or place under authority of this state. (Mass. Pt. II Ch. VI 2; N.H. II 92.)

Not to hold office of lieutenant-governor, justice of highest court, treasurer, member of legislature, surveyor-general or sheriff. (Vt. II 50.)

Officer of this state not to hold office of governor. (Kan. I 10.)

Person holding office under this state not to fill office of governor. (Ind. V 8; Ore. V 3.)

Person holding office under this state not to exercise office of governor. (Cal. V 12; Pa. IV 6; Tenn. III 13.)

Person holding office under this state not to exercise office of governor, and if governor or person administering the government accepts such office, his office as governor to be vacant. (N.J. V 8.)

Person holding office or place under this state not to exercise office of governor. (Me. V Pt. I 5.)

Person holding office under authority of this state not to exercise office of governor. (Ark. VI 11; Iowa IV 14; Ohio III 14.)

No judge (except of court of sessions) to hold office of governor. (Mass. Amend. VIII.)

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GOVERNOR (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Dual Office Holding (*Cont'd*)

Office in this State (*Cont'd*)

Judge, secretary of state, treasurer, attorney-general, commissary-general and military officers receiving pay from state (excepting officers of militia occasionally called forth on an emergency), registers of deeds, collectors of excise and state taxes hereafter appointed, "and not having settled their accounts", not to hold at same time office of governor; election or appointment to any of these offices and acceptance to operate as resignation of office of governor and vacancy to be filled. (N.H. II 94.)

United States Office

See also above, this subdivision, DUAL OFFICE HOLDING — IN GENERAL.

Not to hold office under United States. (Ala. V 130.)

Ineligible for election or appointment to United States senate during term or within year after expiration. (Ala. V 116.)

Ineligible for election to United States Senate during term for which elected. (Utah VII 23.)

Not to be elected by legislature to office under government of United States during term for which elected. (N.J. V 8.)

Member of Congress or person holding office under United States not to fill office of governor. (Ind. V 8; Kan. I 10; Ore. V 3.)

Person holding office under United States government not to hold office of governor. (Nev. V 12.)

Person holding office under authority of United States (postmaster excepted) not to hold office of governor. (Mass. Amend. VIII.)

Person holding office under United States at time of or within six months immediately preceding election for governor ineligible to office. (La. 63.)

Military officers receiving pay from "the continent", officers of the customs, including naval officers, collectors of excise and continental taxes hereafter appointed "and not having settled their accounts", and members of Congress or persons holding office under United States, not to hold office of governor; election or appointment to any of these offices and acceptance to operate as resignation of office of governor and vacancy to be filled. (N.H. II 94.)

Member of Congress or person holding office under United States not to exercise office of governor. (Mich. VI 14; Pa. IV 6; Tenn. III 13.)

Member of Congress or person holding office under United States not to exercise office of governor, and if governor or person administering the government accepts such office, his office as governor to be vacant. (N.J. V 8.)

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GOVERNOR (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Dual Office Holding (*Cont'd*)

United States Office (*Cont'd*)

Person holding office under United States not to exercise office of governor. (Cal. V 12.)

Person holding office or place under United States not to exercise office of governor. (Me. V Pt. I 5.)

Member of Congress, or person holding office under authority of United States, not to exercise office of governor. (Ark. VI 11; Ohio III 14.)

Person holding office under authority of United States not to exercise office of governor. (Iowa IV 14.)

Office Outside State

See also above, this subdivision, DUAL OFFICE HOLDING — IN GENERAL.

Person holding office under other power not to fill office of governor. (Ore. V 3.)

Person holding office or place under any other power not to exercise office of governor. (Me. V Pt. I 5.)

Not to hold office under other state or government. (Ala. V 130.)

Not to hold place or office or receive pension or salary from any other state, government or power. (N.H. II 92.)

Not to hold place or office from any other state or government or power. (Mass. Pt. II Ch. VI 2.)

Not to hold office or other commission (except in militia) under authority of any other power. (S.C. IV 3.)

Electoral

Must be qualified elector to be eligible to office. (Conn. IV 1; Fla. IV 3; Nev. V 3; N.D. III 73; S.D. IV 2; Wis. V 2; Wyo. IV 2.)

Must be qualified elector at time of election. (Md. II 5; Utah VII 3.)

Must have been qualified elector for three years preceding election. (Okla. VI 3.)

Engaging in Business

Not to practice profession and receive reward, fee or promise thereof, nor to receive salary, reward or compensation or promise thereof for service rendered while governor or to be thereafter rendered. (Tex. IV 6.)

Failure to Qualify, *See below, this title,* SUCCESSION TO OFFICE.

Prior Service in Office as Disqualification

To be re-eligible. (S.C. IV 2.)

Ineligible as his own successor. (Ala. V 116; Fla. IV 2; Miss. V 116; Mo. V 2; Okla. VI 4; Pa. IV 3; Va. V 69.)

Ineligible as his own successor, but may be again eligible at expiration of one or more terms after term for which he has served. (La. 63.)

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GOVERNOR (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Prior Service in Office as Disqualification (*Cont'd*)
Ineligible for three years after term of service expired. (N.J. V 3.)
Ineligible for four years after term for which elected. (Ky. 71; W.Va. VII 4.)
Not to be elected a third time. (Del. III 5.)
Ineligible for re-election after expiration of second term for period of four years. (Ga. V Sec. I 2.)
Ineligible to hold state office for two years after serving two consecutive terms. (N.M. V 1 (1914).)
Ineligible more than four in any period of eight years. (Ind. V 1.)
Ineligible more than four in any period of eight years "unless office cast on him as lieutenant-governor or president of senate". (N.C. III 2.)
Ineligible more than six in any period of eight years. (Tenn. III 4.)
Ineligible more than eight in any period of 12 years. (Ore. V 1.)
Religious Test
No person eligible who denies existence of Supreme Being. (S.C. IV 3.)
Residence
In state for one year preceding election. (Minn. V 3.)
In state for two years preceding election. (Colo. IV 4; Ida. IV 3.) Iowa IV 6; Mich. VI 3; Mont. VII 3; Nev. V 3; N.C. III 2; S.D. IV 2.)
In state for three years preceding election. (Ore. V 2.)
In state for four years preceding election. (Vt. II 23.)
In state for five years, and at time of election and during term. (Me. V Pt. I 4.)
In state for five years preceding election. (Cal. V 3; Fla. IV 3; Ind. V 7; Md. II 5; Miss. V 117; N.M. V 3; N.Y. IV 2; N.D. III 73; S.C. IV 3; Tex. IV 4; Utah VII 3; Va. V 72; Wyo. IV 2.)
In state for six years preceding election. (Ky. 72.)
Inhabitant of United States for 12 years preceding election and inhabitant of state for six years preceding election, unless absent on business of United States or of state. (Del. III 6.)
In state for seven years. (Ark. VI 5.)
In state for seven years preceding election. (Ala. V 117; Mass. Pt. II Ch. II Sec. I 2; Mo. V 5; N.H. II 41.)
In state for seven years preceding election, unless absent on business of United States or of state. (N.J. V 4; Pa. IV 5.)
In state for 10 years preceding election. (La. 63.)
Residence during term, *See below, this title*, RESIDENCE.
Sex
See also above, this subdivision, ELECTORAL.
Must be male. (Ariz. V 2; Mo. V 5; Okla. VI 3.)

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GOVERNOR (*Cont'd*)

REMOVAL OF OFFICERS

Officers in general, See PUBLIC OFFICERS; *for removal of a particular officer or class of officers, See the specific title.*

RESIDENCE

As qualification for office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

In state during term. (Me. V Pt. I 4.)

At seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Md. II 21; Mo. V 1; Mont. VII 1; Nebr. V 1; N.M. V 1; N.C. III 5; N.D. III 71; Utah VII 1; Va. V 72; Wash. III 24; W.Va. VII 1.)

At seat of government, except during session, and then at place of session, and except when act of legislature requires or authorizes him to reside elsewhere. (Tex. IV 13.)

At seat of government except in cases of contagion or emergencies of war, but during session of legislature at place where session is held. (S.C. IV 21.)

At seat of government, except during epidemics. (Ala. V 118.)

Executive mansion to be provided. (N.Y. IV 4.)

Governor's mansion, fixtures and furniture, to have use and occupation of. (Tex. IV 5.)

ROTATION IN OFFICE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

SECRETARIES, *See above, this title,* ASSISTANTS.

SUCCESSION TO OFFICE

Order of Succession

(1) Lieutenant-governor; (2) president *pro tempore* of senate. (Minn. V 6; Nev. V 17, 18; Pa. IV 13, 14; R.I. VII 9, 10; S.C. IV 9; Tex. IV 16, 17.)

(1) Lieutenant-governor; (2) president *pro tempore* of senate (secretary of state convenes senate to elect president *pro tempore*). (Conn. Amend. XXXIV, IV 15, 16; N.C. III 12.)

(1) Lieutenant-governor; (2) president *pro tempore* of senate; (3) speaker of lower house. (Cal. V 16; Colo. IV 13, 15; Ida. IV 12, 14; Ill. V 17, 19; Iowa IV 17, 19; Kan. I 11, 13; Mo. V 16, 17; Mont. VII 14, 16; Nebr. V 16, 18; N.Y. IV 6, 7; Ohio III 15, 17.)

(1) Lieutenant-governor; (2) president *pro tempore* of senate; (3) speaker of lower house (but secretary of state to convene senate to elect president *pro tempore*). (Miss. V 131.)

(1) Lieutenant-governor; (2) president *pro tempore* of senate; (3) speaker of lower house; (4) legislature to provide for by law. (Okla. VI 15, 16.)

(1) Lieutenant-governor; (2) president *pro tempore* of senate; (3) secretary of state (until president *pro tempore* elected or disability of governor, lieutenant-governor or president *pro tempore* removed). (La. 66.)

(1) Lieutenant-governor; (2) president *pro tempore* of senate; (3) secretary of state; (4) attorney-general (secretary or

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GOVERNOR (*Cont'd*)
SUCCESSION TO OFFICE (*Cont'd*)
Order of Succession (*Cont'd*)
attorney-general to convene senate to elect president *pro tempore*). (Ky. 84, 85, 87.)
(1) Lieutenant-governor; (2) president *pro tempore* of senate; (3) speaker of lower house; (4) attorney-general; (5) auditor; (6) secretary of state; (7) treasurer. (Ala. V 127.)
(1) Lieutenant-governor; (2) secretary of state. (Mich. VI 17, 18; N. D. III 72, 77; S.D. IV 6, 7; Wis. V 7, 8.)
(1) Lieutenant-governor; (2) secretary of state; (3) president *pro tempore* of senate. (N.M. V 7.)
(1) Lieutenant-governor; (2) secretary of state; (3) attorney-general; (4) president *pro tempore* of senate; (5) speaker of lower house. (Del. III 20.)
(1) Lieutenant-governor; (2) secretary of state; (3) treasurer; (4) auditor; (5) attorney-general; (6) superintendent of public instruction; (7) commissioner of public lands. (Wash. III 10.)
(1) Lieutenant-governor; (2) council. (Mass. Pt. II Ch. II Sec. II 3, Sec. III 6.)
(1) Lieutenant-governor; (2) legislature to provide for by law. (Ind. V 10; Vt. II 3, 24; Va. V 78.)
(1) President of senate; (2) speaker of house. (Ark. VI 12, 13; Fla. IV 19; Ga. V Sec. I 8, 9; N.H. II 48; N.J. V 12, 13, 14; Tenn. III 12.)
(1) President of senate; (2) speaker of house (during recess of senate secretary of state to convene senate to elect president of senate). (Me. V Pt. I 14.)
(1) President of senate; (2) speaker; (3) joint vote of legislature to elect. (W.Va. VII 16.)
(1) Legislature to elect successor; (2) during recess president of senate; (3) during recess speaker; (4) legislature to provide by law; (5) if no provision secretary of state to convene legislature to fill vacancy. (Md. II 6, 7.)
Secretary of state. (Ariz. V 6; Wyo. IV 6.)
(1) Secretary of state; (2) president of senate. (Ore. V 8; Utah VII 11.)
Cases in Which Successor Acts
Officer First in Succession
Death. (Ala. V 127; Ariz. V 6; Ark. VI 12; Cal. V 16; Colo. IV 13; Conn. Amend. 34; Del. III 20; Fla. IV 19; Ga. V Sec. I 8; Ida. IV 12; Ill. V 17; Ind. V 10; Iowa IV 17; Kan. I 11; Ky. 84; Md. II 6; Mich. VI 16; Mo. V 16; Mont. VII 14; Nebr. V 16; Nev. V 18; N.H. II 48; N.J. V 12; N.Y. IV 6; N.D. III 72; Ohio III 15; Okla. VI 16; Ore. V 8; Pa. IV 13; S.C. IV 9; S.D. IV 6; Tenn. III 12; Tex. IV 16; Utah VII 11; Va. V 78; Wash. III 10; W.Va. VII 16; Wis. V 7; Wyo. IV 6.)

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GOVERNOR (*Cont'd*)
SUCCESSION TO OFFICE (*Cont'd*)
Cases in Which Successor Acts (*Cont'd*)
Officer First in Succession (*Cont'd*)

Resignation. (Ala. V 127; Ariz. V 6; Ark. VI 12; Cal. V 16; Colo. IV 13; Conn. Amend. 34; Del. III 20; Fla. IV 19; Ga. V Sec. I 8; Ida. IV 12; Ill. V 17; Ind. V 10; Iowa IV 17; Kan. I 11; Ky. 84; Md. II 6; Mich. VI 16; Mo. V 16; Mont. VII 14; Nebr. V 16; Nev. V 18; N.J. V 12; N.Y. IV 6; N.D. III 72; Ohio III 15; Okla. VI 16; Ore. V 8; Pa. IV 13; S.C. IV 9; S.D. IV 6; Tenn. III 12; Tex. IV 16; Utah VII 11; Va. V 78; Wash. III 10; W.Va. VII 16; Wis. V 7; Wyo. IV 6.)

Removal from office. (Ala. V 127; Ariz. V 6; Cal. V 16; Colo. IV 13; Conn. Amend. 34; Del. III 20; Fla. IV 19; Ida. IV 12; Ind. V 10; Iowa IV 17; Kan. I 11; Mich. VI 16; Mont. VII 14; Nev. V 18; N.J. V 12; N.Y. IV 6; N.D. III 72; Ohio III 15; Okla. VI 16; Ore. V 8; S.D. IV 6; Tenn. III 12; Tex. IV 16; Utah VII 11; Va. V 78; Wash. III 10; Wis. V 7; Wyo. IV 6.)

"Absence." (Vt. II 3.)

Vacancy. (Me. V Pt. I 14; Mass. Pt. II Ch. II Sec. II 3; Minn. V 6; Miss. V 131; N.H. II 48; N.J. V 14; N.M. V 7; N.C. III 12; R.I. VII 9.)

Removal from state. (Md. II 6; Okla. VI 16; S.C. IV 9.)

Absence from state. (Ariz. V 6; Ark. VI 12; Cal. V 16; Colo. IV 13; Conn. Amend. 34; Ida. IV 12; Ill. V 17; Ky. 84; La. 66; Mass. Pt. II Ch. II Sec. II 3; Mich. VI 16; Miss. V 131; Mo. V 16; Mont. VII 14; Nebr. V 16; Nev. V 18; N.H. II 48; N.J. V 13; N.M. V 7; N.Y. IV 6; N.C. III 12; N.D. III 72; R.I. VII 9; S.D. IV 6; Tex. IV 16; Utah VII 11; Wis. V 7; Wyo. IV 6.)

Absence from state more that 20 days; if such absence occurs, secretary of state notifies lieutenant-governor, who enters on duties. If both governor and lieutenant-governor absent over 20 days, secretary to notify officer next in succession. (Ala. V 127.)

When governor is out of state at head of military force thereof, he continues commander-in-chief of military forces of state. (Mich. VI 16.)

When governor, with consent of legislature, is out of state in time of war, at head of a military force thereof, he continues commander-in-chief of all military forces of state. (Nev. V 18; N.Y. IV 6; Wis. V 7.)

Disability. (Ala. V 127; Ariz. V 6; Ark. VI 12; Cal. V 16; Colo. IV 13; Conn. Amend. 34; Del. III 20; Fla. IV 19; Ga. V Sec. I 8; Ida. IV 12; Ill. V 17; Ind. V 10; Iowa IV 17; Kan. I 11; Ky. 84; La. 66; Md. II 6; Mich. VI 16; Mo. V 16; Mont. VII 14; Nebr. V 16; Nev. V 18; N.J. V 13; N.M. V 7; N.Y. IV 6; N.C. III 12; N.D.

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GOVERNOR (*Cont'd*)
SUCCESSION TO OFFICE (*Cont'd*)
Cases in Which Successor Acts (*Cont'd*)
Officer First in Succession (*Cont'd*)
III 72; Ohio III 15; Okla. VI 16; Ore. V 8; Pa. IV 13; R.I. VII 9; S.C. IV 9; S.D. IV 6; Tex. IV 16; Utah VII 11; Va. V 78; Wash. III 10; W.Va. VII 16; Wis. V 7; Wyo. IV 6.)
Protracted illness. (Miss. V 131.)
Failure to qualify. (Ala. V 127; Ark. VI 12; Colo. IV 13; Conn. Amend. 34; Ida. IV 12; Ill. V 17; Ky. 84; Mo. V 16; Mont. VII 14; Nebr. V 16; N.D. III 72; Okla. VI 15; Pa. IV 13; S.D. IV 6; Tex. IV 16; Va. V 78; W.Va. VII 16.)
If governor-elect dies or becomes disqualified, lieutenant-governor to act. (Del. III 20.)
If governor-elect dies, powers, duties and emoluments of office to devolve on president of senate, or in case of his death, resignation or removal, on speaker, until new governor be elected and qualified. (N.J. V 14.)
If governor-elect dies, removes from state, refuses to serve, becomes insane or otherwise incapacitated, lieutenant-governor-elect to be qualified as governor at beginning of term for which elected. (R.I. Amend. XI 3.)
In case of death, disability or failure to qualify of governor-elect, officer next in succession to act until disability removed or governor elected. (Wash. III 10.)
Conviction of felony or infamous crime. (Colo. IV 13; Ida. IV 12; Mont. VII 14.)
Conviction of treason. (Ida. IV 12.)
Officer Second in Succession
Same as in case of officer first in succession. (Cal. V 16; Colo. IV 15; Del. III 20; Fla. IV 19; Ga. V Sec. I 8; Ida. IV 14; Ill. V 19; Ind. V 10; Iowa IV 19; Kan. I 13; La. 66; Mass. Pt. II Ch. II Sec. III 6; Mich. VI 16; Minn. V 6; Mo. V 17; Mont. VII 16; Nebr. V 18; Nev. V 17; N.H. II 48; N.M. V 7; N.Y. IV 7; N.C. III 12; Ohio III 17; Ore. V 8; S.C. IV 9; Tenn. III 12; Tex. IV 17; W.Va. VII 16; Wis. V 8.)
Same as in case of officer first in succession, except that "impeachment" is not mentioned. (Utah VII 11.)
Same as in case of officer first in succession, except that "failure to qualify" is not mentioned. (N.D. III 77; S.D. IV 7.)
Same as in case of officer first in succession, except that disability is not mentioned. (Conn. IV 15; Ky. 85.)
Same as in case of officer first in succession, except that disability is not mentioned, and "impeachment or removal from office" is used instead of "conviction on impeachment". (Ark. VI 13.)

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GOVERNOR (*Cont'd*)

SUCCESSION TO OFFICE (*Cont'd*)

Cases in Which Successor Acts (*Cont'd*)

Officer Second in Succession (*Cont'd*)

Same as in case of officer first in succession, except that "failure to qualify" is not mentioned and "absence from state" is used instead of "removal from state". (Okla. VI 15.)

Death, resignation, removal or vacancy. (N.J. V 12, 13, 14.)

Death, resignation, removal or disqualification. (Me. V Pt. I 14.)

Vacancy. (R.I. VII 10; Wash. III 10.)

Vacancy in offices of governor and lieutenant-governor caused by failure to elect, removal from office, death or resignation, or inability to discharge duties. (Vt. II 24.)

In case of vacancy in office of governor during recess of legislature, president of senate to act, and in case of his death, resignation, removal from state or refusal to serve, speaker to act. (Md. II 7.)

Disability. (Miss. V 131.)

Impeachment or disability. (Pa. IV 14.)

Officer Third in Succession

Same as in case of officer second in succession. (Ala. V 127; Cal. V 16; Colo. IV 15; Del. III 20; Ida. IV 14; Ill. V 19; Iowa IV 19; Kan. I 13; La. 66; Mo. V 17; Mont. VII 16; Nebr. V 18; N.M. V 7; N.Y. IV 7; Ohio III 17; Okla. VI 15.)

Vacancy. (Wash. III 10.)

Vacancy or disability or absence from state of officer second in succession. (Miss. V 131.)

Determination of Sufficiency of Cause

Should doubt arise as to whether vacancy has occurred in office of governor or other disability exists or has ended, secretary of state to submit question to judges of highest court who, or majority of whom, shall investigate and determine question, and furnish to secretary of state opinion in writing, which shall be final and conclusive. (Miss. V 131.)

If governor or officer administering office appears to be of unsound mind, highest court, upon request in writing, verified by affidavits, of any two officers entitled by constitution to succeed to office, not next in succession to office, shall ascertain mental condition of governor or officer discharging the office, and if he is adjudged to be of unsound mind, shall so decree; copy of decree filed in office of secretary of state and officer next in succession to perform duties of office until restoration to sanity. If incumbent denies restoration to sanity, highest court to ascertain facts; if sanity restored, to so adjudge and file certified copy of decree with secretary of state. Highest

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GOVERNOR (*Cont'd*)
SUCCESSION TO OFFICE (*Cont'd*)
Cases in Which Successor Acts (*Cont'd*)
Determination of Sufficiency of Cause (*Cont'd*)
court to prescribe method of taking testimony and rules of practice, including provision for service of notice on governor or person acting as governor. (Ala. V 128.)
Qualifications of Successor
Successor must be eligible to office of governor at time powers and duties devolve on him. (Del. III 20.)
Requirements as to time of citizenship and residence necessary for governor not applicable to president of senate or speaker, when acting as governor. (Fla. IV 3.)
Length of Service of Successor
Officer First in Succession
No provision is made in Tennessee and Virginia.
Until vacancy filled or disability ceases. (Ala. V 127; Conn. Amend XXXIV; Del. III 20; Ga. V Sec. I 8; Ind. V 10; Ky. 84; N.J. V 12, 13, 14; N.M. V 7; N.C. III 12; Ore. V 8; Tex. IV 16; Utah VII 11; Wash. III 10; W.Va. VII 16; Wyo. IV 6.)
For remainder of term or until disability ceases. (Ariz. V 6; Cal. V 16; Colo. IV 13; Fla. IV 19; Ida. IV 12; Ill. V 17; Iowa IV 17; Kan. I 11; Mich. VI 16; Mo. V 16; Mont. VII 14; Nebr. V 16; Nev. V 18; N.Y. IV 6; N.D. III 72; Ohio III 15; Okla. VI 16; Pa. IV 13; S.D. IV 6; Wis. V 7.)
For remainder of term, or until disability ceases, or governor elected and qualified. (Ark. VI 12.)
During vacancy. (Me. V Pt. I 14; Md. II 6; Mass. Pt. II Ch. II Sec. II 3; Minn. V 6; N.H. II 48.)
During "absence" of governor. (Vt. II 3.)
"*Ad interim.*" (La. 66.)
Until a governor qualified or until office filled at next annual election. (R.I. VII 9.)
Until disability removed. (Miss. V 131; S.C. IV 9.)
In Case of Impeachment, See above, this title, IMPEACHMENT — SUSPENSION PENDING PROCEEDINGS.
Election to Fill Vacancy, See below, this subdivision, ELECTION OF NEW GOVERNOR.
Officer Second in Succession
No provision made in Tennessee and Virginia.
No specific provision made, but apparently same as in case of officer first in succession. (Fla. IV 19; W.Va. VII 16.)
Until vacancy filled or disability ceases. (Ala. V 127; Ark. XII 13; Cal. V 16; Colo. IV 15; Del. III 20; Ga. V Sec. I 8; Ida. IV 14; Ill. V 19; Ind. V 10; Iowa IV 19; Kan. I 13; Ky. 85; Mich. VI 16; Mo. V 17; Mont. VII 16; Nebr. V 18; Nev. V 17; N.J. V 12, 13; N.M. V 7; N.Y.

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GOVERNOR (*Cont'd*)

SUCCESSION TO OFFICE (*Cont'd*)

Length of Service of Successor (*Cont'd*)

Officer Second in Succession (*Cont'd*)

IV 7; N.C. III 12; N.D. III 77; Ohio III 17; Okla. VI 15; Ore. V 8; Pa. IV 14; S.D. IV 7; Utah VII 11; Vt. II 24; Wash. III 10; Wis. V 8.)

During vacancy. (Me. V Pt. I 14; Md. II 7; Mass. Pt. II Ch. II Sec. III 6; Minn. V 6; N.H. II 48.)

During absence or vacancy. (R.I. VII 10.)

Until superseded by governor or lieutenant-governor. (Conn. IV 15; Tex. IV 17.)

Until disability removed. (Miss. V 131; S.C. IV 9.)

"*Ad interim.*" (La. 66.)

Officer Third in Succession

Same as in case of officer second in succession. (Ala. V 127; Del. III 20; Md. II 7; Mo. V 17; N.M. V 7; N.Y. IV 7; Okla. VI 15; Wash. III 10.)

No specific provision made, but apparently same as in case of officer second in succession. (Colo. IV 15; Ida. IV 14; Ill. V 19; Iowa IV 19; Kan. I 13; Mont. VII 16; Nebr. V 18; Ohio III 17.)

No provision made in West Virginia.

Until vacancy filled. (Cal. V 16.)

Until disability removed. (Miss. V 131.)

Until president *pro tempore* of senate elected. (Ky. 87.)

Until president *pro tempore* of senate elected or disability of governor, lieutenant-governor or president *pro tempore* removed. (La. 66.)

Compensation of Successsor

Same as that of governor. (Ala. V 129; Colo. IV 13; Ida. IV 12; Ill. V 17; Ind. V 23; Iowa IV 15; Ky. 86; La. 67; Me. V Pt. I 14; Mich. VI 18; Miss. V 131; Mo. V 16, 17; Mont. VII 14; N.J. V 12, 14; N.M. V 7; N.C. III 12; Okla. VI 16; Pa. IV 13, 14; Tex. IV 17; Va. V 78.)

Same as that of governor, except in case of temporary disability or absence from state. (Utah VII 11.)

Powers and Duties of Successor

Successor to be under restrictions and inhibitions imposed on governor by constitution. (Tex. IV 18.)

Election of New Governor

Vacancy filled at next general election. (Utah VII 11.)

If general election for legislature during vacancy, election for governor to fill vacancy to be had at same time. (Fla. IV 19.)

New governor chosen at next election for legislature, unless vacancy occurs within 30 days immediately preceding election, in which case at second succeeding election for legislature. (N.J. V 12.)

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GOVERNOR (*Cont'd*)
SUCCESSION TO OFFICE (*Cont'd*)
Election of New Governor (*Cont'd*)
If vacancy occurs before expiration of first two years of term, election to be held to fill vacancy. (Ky. 85.)
If vacancy occurs more than 30 days before next general election occurring within two years after commencement of term, person to be elected at such election for remainder of term. (Wash. III 10.)
If vacancy occurs before expiration of first three years of term, election to be held to fill vacancy. (W.Va. VII 16.)
If both governor and lieutenant-governor are removed, die or resign more than 60 days before next general election at which any state officers are to be elected, governor and lieutenant-governor to be elected for unexpired term. (Ala. V 127.)
If president *pro tempore* or speaker acts as governor, vacancy in office of governor to be filled at next general election for legislature. (Apparently lieutenant-governor serves whole term.) (Cal. V 16.)
If vacancy in office does not occur within 12 months before expiration of term for which elected, president of senate or speaker of house, exercising powers of governor, shall cause election to be held to fill vacancy, giving by proclamation 60 days' notice, election to be governed by same rules as general election of governor as far as applicable; returns made to secretary of state, and acting governor, secretary of state and attorney-general to constitute board of canvassers, majority of whom shall compare returns and declare who is elected, and contested elections decided as may be prescribed by law. (Ark. VI 14.)
If vacancy in office of both governor and lieutenant-governor, by reason of death or otherwise, offices filled by legislature by majority vote in joint convention; and acting governor, if legislature not in session, to call a special session within 20 days after both offices are vacant if regular session is not sooner to occur. Person elected to serve for remainder of term. (R.I. Amend. XI 4, 7.)
When both governor and lieutenant-governor-elect are incapacitated, or when there has been failure to elect either of them, legislature shall, on its organization, meet in joint convention and, by majority vote, elect some person to fill the offices. In case of election because of failure of candidate to receive plurality of votes, election to be made from persons who receive same and largest number of votes. Person elected serves for remainder of term or full term as case may be, and until successor qualified. (R.I. Amend. XI 3, 7.)
Legislature may provide for filling unexpired term by special election. (Ga. V Sec. I 9.)

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GOVERNOR (*Cont'd*)

TERM OF OFFICE

Length

One year. (Mass. Amend. X.)

Two years. (Ariz. V 1; Ark. VI 1; Colo. IV 1; Conn. Amend. XXVII 2; Ga. V Sec. I 2; Ida. IV 1; Iowa IV 2, 15; Kan. I 1; Me. Amend. 23; Mich. VI 1; Minn. V 3; Nebr. V 1; N.H. II 41; N.M. V 1 (1914); N.Y. IV 1; N.D. III 71; Ohio III 2, XVII 2; R.I. Amend. XVI; S.C. IV 2; S.D. IV 1; Tenn. III 4; Tex. IV 4; Wis. V 1.)

Three years. (N.J. V 3.)

Four years. (Ala. V 116; Cal. V 2; Del. III 5; Fla. IV 2; Ind. V 1, 9; Ill. V 1; Ky. 70, 73; La. 62; Md. II 1; Miss. V 116, 136; Mo. V 2; Mont. VII 1; Nev. V 2; N.C. III 1; Okla. VI 4; Ore. V 1, 7; Pa. IV 3, 17; Utah VII 1; Va. V 69; Wash. III 2; W.Va. VII 1; Wyo. IV 1.)

To serve until successor qualified (regardless of length of term specified). (Ala. V 116; Ark. VI 1; Cal. V 2; Conn. Amend. XXVII 2; Ga. V Sec. I 2; Ill. V 1; Iowa IV 2, 15; Kan. I 1; Ky. 73; Md. II 1; Mass. Amend. X; Minn. V 3; Miss. V 136; Mo. V 2; Mont. VII 1; Nebr. V 1; Nev. V 2; N.C. III 1; N.D. III 71; Ohio III 2; Pa. IV 17; R.I. Amend. XVI; S.C. IV 2; Tenn. III 4; Tex. IV 4; Wash. III 2; Wyo. IV 1.)

To serve until successor qualified, or to adjournment of session of legislature at which, by constitution and laws, successor is to be chosen. (Vt. II 41.)

To serve until first Monday after successor qualified. (La. 64.)

Re-election to Same Office, *See above, this title*, QUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

Time of Beginning

When chosen and qualified. (Vt. II 41.)

From time of installation. (Fla. IV 2; Nev. V 2.)

As provided by constitution or prescribed by law. (Ore. V 7.)

During first session of legislature after election. (Ga. V Sec. I 3.)

During first session of legislature after election on day prescribed by law. (S.C. IV 2.)

January 1st after election. (N.M. V 1; N.C. III 1.)

First Monday of January after election. (Ariz. V 1; Ida. IV 1; Mont. VII 1; Utah VII 1.)

First Monday after announcement by legislature of result of election. (La. 64.)

First Monday after January 1st, after election. (Cal. V 2.)

First Tuesday of January after election. (Del. III 5; R.I. Amend. XVI.)

First Tuesday after organization of legislature, or as soon thereafter as practicable. (Tex. IV 4.)

Wednesday after first Monday of January after election. (Conn. Amend. XXVII 2.)

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GOVERNOR (*Cont'd*)
TERM OF OFFICE (*Cont'd*)
Time of Beginning (*Cont'd*)
First Wednesday in January after election. (Me. Amend. XXIII; Mass. Amend. X.)
First Thursday [after] first Tuesday in January after election. (Nebr. V 1.)
Second Monday of January after election. (Ill. V 1; Kan. I 1; Mo. V 2; Ohio III 2; Okla. VI 4.)
Second Monday of January after election until otherwise provided by law. (Wash. III 4.)
Second Monday of January after election and from installation. (Iowa IV 2, 15.)
Second Monday of January, 1853, and every fourth year thereafter. (Ind. V 9.)
January 15th after election. (Tenn. VII 5.)
Second Tuesday of January after election. (Colo. IV 1.)
Second Wednesday in January after election, except for first governor. (Md. II 1, 3.)
First Monday after second Tuesday in January after election. (Ala. V 116.)
Third Tuesday of January after election. (N.J. V 3; Pa. IV 3.)
First of February after election. (Va. V 69.)
March 4th after election. (W.Va. VII 1.)
Fifth Tuesday after election. (Ky. 73.)
VETO POWER
See LEGISLATIVE PROCEDURE.
See APPROPRIATIONS.
GRAND JURY
For organization, etc., See JURIES.
For necessity of indictment by, See CRIMES — FORM OF ACCUSATION.
GRANTS
Issued in name of state. (W.Va. II 8.)
Issued in name of state, attested by governor with seal of state annexed. (Va. V 75.)
To be signed by governor with seal of state annexed. (Md. IV 13.)
To be in name and by authority of state, sealed with state seal and signed by governor. (Tenn. III 16.)
Issued in name and by authority of state, sealed with great seal, signed by governor and countersigned by secretary of state. (Ala. V 135; Ark. VI 10; Cal. V 14; Fla. IV 14; Ida. IV 16; Iowa IV 21; Mont. VII 18; Nev. V 16; N.C. III 16; Ohio III 13; S.C. IV 19; Utah VII 21.)
Issued in name and by authority of state, sealed with great seal, signed by governor or person administering the government and countersigned by secretary of state. (N.J. VIII 3.)
Of public property, *See* PUBLIC PROPERTY — GRANTS.
Of public land, *See* PUBLIC LANDS — GRANTS.
Irrevocable grants of special privileges, immunities or franchises, *See* PRIVILEGES.
To retired officers, *See* PENSIONS.

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GUARANTY COMPANIES

For provisions relating to all corporations, See CORPORATIONS.

Duly organized and responsible foreign or domestic guaranty companies, lawfully doing business in state, may be sureties on bonds of state, county and municipal officers. (Fla. XVI 13.)

If organized for purposes and authorized to do business in state, guaranty companies may be sureties on bonds of state, county and municipal officers. (Ark. XIX 21.)

Records, books and files liable to "full visitorial and inquisitorial powers of the state". (Ariz. XIV 16.)

Regulation and control under banking department and bank commission, to protect stockholders and depositors. (Okla. XIV 1.)

HABEAS CORPUS, WRIT OF

For power of courts to issue, hear and determine, See the various classes of courts under the title COURTS.

GRANTING PROVIDED FOR

To be granted freely and without cost. (Fla. D.R. 7.)

To be granted speedily and of right. (Fla. D.R. 7.)

To be granted speedily and cheaply, easily, expeditiously and in an ample manner. (Mass. Pt. II Ch. VI 7; N.H. II 90.)

Issuable of right. (Vt. II 33.)

Persons restrained of liberty entitled to remedy to inquire into lawfulness thereof. (N.C. I 18.)

Legislature to enact laws to render remedy speedy and effective. (Tex. I 12; Vt. II 33.)

SUSPENSION

Privilege not to be suspended. (Ala. I17; Ariz. II 14; Ga. I Sec. I 11; Mo. II 26; N.C. I 21; Okla. II 10; Tex. I 12; Vt. II 33; W.Va. III 4.)

Privilege not to be suspended, unless when, in case of rebellion or invasion, public safety requires it. (Cal. I 5; Colo. II 21; Del. I 13; Fla. D.R. 7; Ill. II 7; Ind. I 27; Iowa I 13; Kan. B.R. 8; Ky. 16; La. 13; Me. I 10; Mich. II 11; Minn. I 7; Mont. III 21; Nev. I 5; N.J. I 11; N.M. II 7; N.Y. I 4; N.D. I 5; Ohio I 8; Ore. I 23; Pa. I 14; S.D. VI 8; Utah I 5; Va. IV 58; Wash. I 13; Wis. I 8; Wyo. I 17.)

Same; adds "insurrection". (S.C. I 23.)

Privileges not to be suspended, unless when in case of rebellion or invasion, public safety may require it; nor in any case but by legislature. (Conn. I 14; Miss. III 21; R.I. I 9.)

Privilege not to be suspended, except by legislature in case of rebellion, or invasion, when public safety may require it. (Ark. II 11.)

Privilege of writ not to be suspended, unless when, in case of rebellion or invasion, legislature shall declare public safety requires it. (Tenn. I 15.)

Legislature to pass no law suspending privilege of writ of habeas corpus. (Md. III 55.)

Privilege not to be suspended, except in case of rebellion or invasion, when public safety requires it, and then only in manner prescribed by law. (Ida. I 5; Nebr. I 8.)

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HABEAS CORPUS, WRIT OF (*Cont'd*)
SUSPENSION (*Cont'd*)
Privilege not to be suspended by legislature except on the most urgent and pressing occasions and for a time not exceeding 12 months. (Mass. Pt. II Ch. VI 7.)
Privilege not to be suspended by legislature, except on the most urgent and pressing occasions and for a time not exceeding three months. (N.H. II 90.)

HAPPINESS, RIGHT TO PURSUE AND OBTAIN, *See* LIFE, LIBERTY AND PROPERTY.

HEALTH, *See* PUBLIC HEALTH.

HEREDITARY DISTINCTIONS
Hereditary offices, *See* PUBLIC OFFICERS.
Titles of nobility prohibited. (Ala. I 29; Ind. I 35; Ky. 19; Me. I 23.)
No law to be passed granting any title of nobility. (Ore. I 29; Pa. I 24; S.C. I 8.)
Hereditary distinctions prohibited. (Ala. I 29; Del. I 19; Ind. I 35; Ky. 23; Me. I 23.)
No law to be passed conferring hereditary distinctions. (Ore. I 29; Pa. I 24.)
Hereditary honors prohibited. (Ala. I 29; Ark. II 19; Conn. I 20; Kan. B.R. 19; Me. I 23; Ohio I 17; Tenn. I 30; W.Va. III 19.)
Hereditary honors ought to be prohibited. (N.C. I 30.)
Hereditary emoluments prohibited. (Ala. I 29; Ariz. II 29; Ark. II 19; Conn. I 20; Kan. B.R. 19; Me. I 23; Ohio I 17; Tenn. I 30; Wash. I 28; W.Va. III 19.)
No law to be passed granting hereditary emoluments. (S.C. I 8.)
Hereditary emoluments ought to be prohibited. (N.C. I 30.)
Hereditary privileges prohibited. (Ala. I 29; Ariz. II 29; Ark. II 19; Conn. I 20; Kan. B.R. 19; Me. I 23; Ohio I 17; Tenn. I 30; Wash. I 28; W.Va. III 19.)
Hereditary privileges ought to be prohibited. (N.C. I 30.)
Hereditary powers prohibited. (Ariz. II 29; Wash. I 28.)
Social status of the citizen never to be the subject of legislation. (Ga. I Sec. I 18.)

HIGHWAYS, *See* ROADS.

HISTORY
Legislature to appropriate not less than $1,200 a year for maintenance in New Orleans of memorial hall for collection and preservation of works and mementoes of Civil War and other objects of interest, and may appropriate for monuments on battlefields. (La. 304.)
Commissioner of public lands shall collect, classify and preserve historical material. (Md. VII 4.)
Legislature may provide for creation of commissioner of insurance, statistics and history, whose term of office, duties and salary to be prescribed by law. (Tex. XVI 38.)
Legislature may make appropriations for preserving memorials of history of state by means of monuments, statues and printing of documents of historical value. (Tex. XVI 39.)

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HISTORY (*Cont'd*)

Legislature to provide for collecting and preserving such records, rolls, correspondence and other documents, civil and military, relating to history of state, as persons may be willing to confide to state. (Tex. XVI 45.)

Preservation of military records, etc., See MILITARY RECORDS, BANNERS AND RELICS.

HOME RULE, *See* MUNICIPAL HOME RULE.

HOMESTEADS, *See* EXEMPTIONS FROM FORCED SALE.

HOSPITALS, *See* CHARITIES.

IMMIGRATION

Naturalization of immigrants, *See* ALIENS — NATURALIZATION.

Of coolie labor, *See* LABOR.

State board of agriculture and immigration to be recognized as part of state government; among other duties to adopt needful measures for securement of proper immigration; to be composed of one member from each congressional district, appointed by governor with advice and consent of senate, to hold office for six years, and various officers to be *ex officio* members. Members of board to serve without compensation except actual expenses. (La. 305, 308.)

Bureau of immigration, labor and statistics established under charge of commissioner appointed by governor with consent of senate to hold office for two years and until successor qualified, unless sooner removed. To perform duties and receive compensation prescribed by law. Compensation not to be increased during term of office. (Ida. XIII 1, 8, V 27.)

Bureau of statistics, agriculture and immigration to be established in office of secretary of state under regulations prescribed by law. (Wash. II 34.)

Department of agriculture and immigration, permanently maintained at capitol under control of board of agriculture and immigration (composed of one member from each congressional district, appointed by governor for four years, subject to confirmation by senate, and president of Virginia Polytechnic Institute, who shall be *ex officio* member of board). Powers and duties of board to be prescribed by law, but it may elect and remove its officers and establish branches in the state. Commissioner of agriculture is created to serve for four years, elected by qualified voters of the state, whose powers and duties are prescribed by board of agriculture and immigration until otherwise provided by law. (Va. X 143.)

Legislature to establish department of agriculture, immigration and statistics, under such regulations as may best promote agricultural interests of state. (N.C. III 17.)

Bureau of immigration under charge of commissioner of agriculture. (Fla. IV 26.)

Legislature not to appropriate public money for establishment of bureau of or for any purpose of bringing immigrants into state. (Tex. XVI 56.)

Legislature not to appropriate any public money for establishment and maintenance of bureau of. (Okla. V 48.)

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IMMIGRATION (*Cont'd*)

Commissioners of agriculture to devise plans to secure industrious and useful settlers; plans executed as prescribed by legislature. (Del. XI 5.)

To be encouraged. (Ala. I 30.)

Legislature may restrain and regulate immigration of persons not qualified to become citizens of United States. (Ore. I 31.)

Legislature may impose conditions upon which aliens who are or may become vagrants, paupers, mendicants, criminals or invalids inflicted with contagious or infectious diseases, or aliens otherwise dangerous or detrimental to the welfare or peace of the state, may reside in the state, and may provide means and mode of their removal from the state upon failure to comply with such conditions. Presence of foreigners ineligible to become citizens of United States dangerous to well-being of state, legislature to discourage their immigration, and to prohibit introduction into state of Chinese after adoption of constitution. (Cal. XIX 1, 4.)

IMMUNITIES

See PRIVILEGES.

See LIFE, LIBERTY AND PROPERTY.

IMPAIRMENT OF OBLIGATION OF CONTRACTS, *See* CONTRACTS.

IMPEACHMENT

For provisions excepting cases of impeachment from requirement of indictment or information, See CRIMES — FORM OF ACCUSATION.

OFFICERS IMPEACHABLE

Impeachment not allowed. (Ore. VII 6.)

No officers specified in Idaho, New York and North Carolina.

Governor, lieutenant-governor, attorney-general, auditor, secretary of state, treasurer, superintendent of education, commissioner of agriculture and industries and justices of highest court. Legislature may provide for impeachment of other officers. (Ala. VII 173, 174.)

If prisoner taken from jail or from custody of sheriff or deputy and put to death, or suffers grievous bodily harm owing to neglect, connivance, cowardice or other grave fault of sheriff, sheriff may be impeached. (Ala. V 138.)

Member of legislature or officer exercising judicial functions under laws of state who receives free passes or tickets or passes at a discount other than as sold to public generally, or procures same for another, shall, on conviction, be subject to impeachment and removal from office. (Ala. XII 244.)

Officers of executive department or officers or managers of state institutions, for failure to make report when required by governor, or making false report. (Ala. V 121.)

Governor and other state and judicial officers, except justices of courts not of record. (Ariz. VIII Pt. II 2.)

Governor and all state officers, judges of highest and circuit courts, chancellors and prosecuting attorneys. (Ark. XV 1.)

Governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, surveyor-general, chief justice and assistant

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IMPEACHMENT (*Cont'd*)

OFFICERS IMPEACHABLE (*Cont'd*)

justices of highest court, judges of district court of appeals and judges of superior courts; all other civil officers to be tried for misdemeanor in office as legislature may provide. (Cal. IV 18.)

Governor and other state and judicial officers, except county judges and justices of the peace. (Colo. XIII 2.)

Executive and judicial officers; judges of highest court and of superior courts. (Conn. IX 3, Amend. 12.)

Governor and civil officers under state. (Del. VI 2.)

Governor, administrative officers of executive department, justices of highest court and justices of circuit court. (Fla. III 29.)

All persons who shall have been, or may be, in office. (Ga. III Sec. VI 3.)

Governor and civil officers of state. (Ill. V 15.)

State officers. (Ind. VI 7.)

State, county, township and town officers as prescribed by law. (Ind. VI 8.)

Governor, judges of the highest court and district courts and other state officers. (Iowa III 20.)

Governor and all other officers under constitution. (Kan. II 28.)

Governor and civil officers. (Ky. 68.)

Governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, superintendent of public education, railroad commissioners and all elective officers for whose removal constitution does not provide, and justices and judges of courts of record. (La. 217.)

Civil officers under this state; judicial officers. (Me. IX 5, VI 4.)

Lower house may impeach "in all cases", and legislature may provide by law for impeachment of governor; judges may be impeached. (Md. III 26, II 7, IV 4.)

Officers of state. (Mass. Pt. II Ch. I Sec. II 8.)

Civil officers. (Mich. IX 1.)

Governor, secretary of state, treasurer, auditor, attorney-general and judges of highest and district courts. (Minn. XIII 1.)

Governor and civil officers of state. (Miss. IV 50.)

Governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, superintendent of public schools, and judges of highest, circuit and criminal courts, and of the St. Louis court of appeals. (Mo. VII 1.)

Governor and other state and judicial officers, except justices of the peace. (Mont. V 17.)

Civil officers of state. (Nebr. V 5.)

Officers of state and councillors. (N.H. II 37, 62.)

Governor and civil officers under state. (N.J. V 11.)

All state officers and judges of district courts. (N.M. IV 36.)

Governor and other state and judicial officers, except justices of the peace. (Nev. VII 2.)

Governor and other state and judicial officers (except county judges, justices of the peace and police magistrates). (N.D. XIV 196.)

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IMPEACHMENT (*Cont'd*)

OFFICERS IMPEACHABLE (*Cont'd*)

Governor, judges and state officers. (Ohio II 24.)

Governor and other elective state officers, including justices of highest court. (Okla. VIII 1.)

Governor and civil officers. (Pa. VI 3.)

Executive and judicial officers; judges may be impeached for official misdemeanor. (R.I. XI 3, X 4.)

Governor and all other executive and judicial officers. (S.C. XV 3.)

Governor and other state and judicial officers (except county judges, justices of the peace and police magistrates). (S.D. XVI 3.)

Governor, judges of highest court, judges of inferior courts, chancellors, attorneys for state, treasurer, comptroller and secretary of state. (Tenn. V 4.)

Governor, lieutenant-governor, attorney-general, treasurer, comptroller, commissioner of general land office, and judges of highest court, appellate court and district courts. (Tex. XV 2.)

Governor and other state and judicial officers, except justices of the peace. (Utah VI 19.)

State criminals. (Vt. II 14.)

Every officer of state, whether judicial or executive. (Vt. II 54.)

Governor, lieutenant-governor, attorney-general, judges, members of state corporation commission and executive officers at seat of government and officers appointed by governor or elected by legislature. (Va. IV 54, XII 155.)

Governor and other state and judicial officers, except judges and justices of courts not of record. (Wash. V 2.)

Officers of state. (W.Va. IV 9.)

Civil officers of state. (Wis. VII 1.)

Governor and other state and judicial officers, except justices of the peace. (Wyo. III 18.)

GROUNDS FOR

No grounds are specified in Connecticut, Idaho, Georgia, Maryland, New York, North Carolina, South Carolina and Texas; in Oregon impeachment is not allowed. (Ore. VII 6.)

Wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics, or offense involving moral turpitude while in office. (Ala. VII 173.)

Failure to make report when required by governor or making false report, by officers of executive department or officers or managers of state institutions. (Ala. V 121.)

If prisoner taken from jail or from custody of sheriff or deputy and put to death, or suffers grievous bodily harm owing to neglect, connivance, cowardice or other grave fault of sheriff, sheriff may be impeached. (Ala. V 138.)

Member of legislature or officer exercising judicial functions under laws of state who receives free passes or tickets or passes at a discount other than as sold to public generally, or procures same for another, shall, on conviction, be subject to impeachment and removal from office. (Ala. XII 244.)

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IMPEACHMENT (*Cont'd*)

GROUNDS FOR (*Cont'd*)

High crimes, misdemeanors or malfeasance in office. (Ariz. VIII Pt. II 2; Utah VI 19.)

High crimes and misdemeanors and gross misconduct in office. (Ark. XV 1.)

Misdemeanor in office. (Cal. IV 18; Fla. III 29; Ill. V 15; Kan. II 28; Ky. 68; Me. IX 5; N.J. V 11; Ohio II 24; Pa. VI 3.)

High crimes or misdemeanor, or malfeasance in office. (Colo. XIII 2; Wash. V 2.)

Treason, bribery or high crime or misdemeanor in office. (Del. VI 2; Miss. IV 50.)

Crime, incapacity or negligence. (Ind. VI 7.)

Misdemeanor or malfeasance in office. (Iowa III 20; Nev. VII 2.)

High crimes and misdemeanors, for nonfeasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness. (La. 217.)

Misconduct and maladministration in office. (Mass. Pt. II Ch. I Sec. II 8.)

Corrupt conduct in office or for crimes and misdemeanors. (Mich. XI 1; Minn. XIII 1; Wis. VII 1.)

High crimes or misdemeanors, and for misconduct, habits of drunkenness or oppression in office. (Mo. VII 1.)

High crimes and misdemeanors, or malfeasance in office. (Mont. V 17; Wyo. III 18.)

Misdemeanor in office; drunkenness. (Nebr. V 5, XIV 3.)

Bribery, corruption, malpractice or maladministration in office. (N.H. II 37.)

Crimes, misdemeanors and malfeasance in office. (N.M. IV 36.)

Habitual drunkenness, crimes, corrupt conduct, or malfeasance, or misdemeanor in office. (N.D. XIV 196.)

Drunkenness and excessive use of intoxicating liquors while in office. (Okla. II 11.)

Wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or offense involving moral turpitude while in office. (Okla. VIII 1.)

Official misdemeanor (in case of judges). (R.I. X 4.)

Drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office. (S.D. XVI 3.)

Crime in official capacity which may require disqualification. (Tenn. V 4.)

Maladministration. (Vt. II 54.)

Malfeasance in office, corruption, neglect of duty or other high crime or misdemeanor. (Va. IV 54.)

Maladministration, corruption, incompetency, gross immorality, neglect of duty or high crime or misdemeanor. (W.Va. IV 9.)

IMPEACHMENT AFTER LEAVING OFFICE

All persons who shall have been or may be in office may be impeached. (Ga. III Sec. VI 3.)

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IMPEACHMENT (*Cont'd*)

IMPEACHMENT AFTER LEAVING OFFICE (*Cont'd*)

During continuance in office and for two years thereafter. (N.J. V 11.)

Impeachment allowed "either when in office or after resignation or removal". (Vt. II 54.)

CHARGES PREFERRED BY WHOM

Lower House

No provision as to number of votes necessary. (Ala. VII 173; Ark. XV 2; Cal. IV 17; Conn. IX 1; Ga. III Sec. VI 3; Ida. V 4; Iowa III 19; Kan. II 27; Ky. 66; La. 218; Me. IV Pt I 8; Mass. Pt. II Ch. I Sec. II 8; Mo. VII 2; N.H. II 16, 37; N.C. IV 4; Okla. VIII 3; Pa. VI 1; Tenn. V 1; Tex. XV 1; Va. 54; W.Va. IV 9.)

By majority of all members. (Ariz. VIII Pt. II 1; Colo. XIII 1; Mont. V 16; N.J. VI Sec. III 1; Wash. V 1; Wyo. III 17.)

By majority of members elected. (Ill. IV 24; Md. III 26; Mich. IX 1; Minn. IV 14; Nev. VII 1; N.M. IV 35; N.Y. VI 13; N.D. XIV 194; Ohio II 23; S.D. XVI 1; Wis. VII 1.)

By two-thirds vote of members. (Vt. II 14, 53.)

By two-thirds vote of all members. (Del. VI 1.)

By two-thirds vote of members elected. (Ind. VI 7; S.C. XV 1; Utah VI 17.)

By two-thirds vote of members elected (for impeachment of governor). (R.I. XI 1.)

By two-thirds vote of members present. (Fla. III 29; Miss. IV 49.)

Both Houses in Joint Convention

By majority of members elected; resolution to impeach may be by either house, and other house at once notified; joint convention to be held within three days. (Nebr. III 14.)

COPY OF CHARGES

Copy of impeachment served on officer impeached at least 20 days prior to trial. (Minn. XIII 5; N.D. XIV 200; S.D. XVI 7.)

Copy of impeachment, attested and setting forth time and place of trial, served on person impeached at least 14 days prior to trial. (N.H. II 37.)

Copy of impeachment served on officer impeached at least 10 days prior to trial. (Utah VI 20.)

SUSPENSION OF OFFICER PENDING PROCEEDINGS

Officer not to exercise duties of office after impeachment and before acquittal. (Fla. III 34; Minn. XIII 3; Nebr. III 14; N.M. IV 36; N.D. XIV 198; R.I. XI 1; S.C. XV 1; S.D. XVI 5; Tex. XV 5; Utah VI 20.)

Legislature may provide for suspending officer "pending impeachment or prosecution for misconduct in office". (Colo. XII 1; Wyo. VI Elections 4.)

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IMPEACHMENT (*Cont'd*)

SUSPENSION OF OFFICER PENDING PROCEEDINGS (*Cont'd*)

Officers impeached, except governor or acting governor, suspended from office during pendency of impeachment, except as otherwise provided in constitution. (La. 219.)

Judicial officer not to exercise duties of office after impeachment and before acquittal. (N.J. VI Sec. III 2; N.Y. VI 13; Wis. VII 1.)

Same; governor may make provisional appointment to fill vacancy until acquittal or until election and qualification of successor. (Mich. IX 4, 5.)

Temporary vacancy caused by suspension filled by appointment by governor. (Fla. III 34; Tex. XV 5.)

Temporary vacancy caused by suspension filled by appointing power. (La. 219.)

Temporary vacancy caused by suspension filled as prescribed by law. (S.C. XV 1.)

As to governor, *See* GOVERNOR.

Governor may appoint person to discharge duties of office during vacancy caused by impeachment of judge of highest court. (R.I. X 5.)

TRIAL

Composition of Court

Trial by senate. (Ala. VII 173; Ariz. VIII Pt. II 1; Ark. XV 2; Cal. IV 17; Colo. XIII 1; Conn. IX 2; Del. VI 1; Fla. III 29; Ga. III Sec. V 3; Ida. V 3; Ill. IV 24; Ind. VI 7; Iowa III 19; Kan. II 27; Ky. 67; La. 218; Me. IV Pt. II 7; Md. III 26; Mass. Pt. II Ch. I Sec. II 8, Sec. III 6; Mich. IX 3; Minn. IV 14; Miss. IV 49; Mo. VII 2; Mont. V 16; Nev. VII 1; N.H. II 16, 37; N.J. VI Sec. III 1; N.M. IV 35; N.C. IV 3; N.D. XIV 195; Ohio II 23; Okla. VIII 4; Pa. VI 2; R.I. XI 2; S.C. XV 2; S.D. XVI 2; Tenn. V 2; Tex. XV 2; Utah VI 18; Vt. II 54; Va. 54; Wash. V 1; W.Va. IV 9; Wis. VII 1; Wyo. III 17.)

Court for trial of impeachments to consist of president of senate, senators, or major part of them, and judges of highest court, or major part of them. (N.Y. VI 13.)

Trial by highest court, unless member of that court impeached, in which case court composed of all judges of district courts. (Nebr. III 14.)

On trial of governor, lieutenant-governor not to act as member of court. (Ky. 84; Minn. XIII 4; N.Y. VI 13; N.D. XIV 199; S.D. XVI 6; Wis. VII 1.)

On trial of lieutenant-governor, he is not to act as member of court. (N.Y. VI 13.)

Majority of the members to constitute quorum. (N.C. IV 3.)

Majority of members elected to constitute quorum. (Ida. V 3.)

Secretary of state to be clerk of impeachment court. (N.J. VI Sec. III 4.)

Salary of members of legislature during proceedings, *See* LEGISLATURE.

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IMPEACHMENT (*Cont'd*)
TRIAL (*Cont'd*)
Presiding Officer
In General
When member of highest court on trial, all judges of district courts to elect one of their own members to preside. (Nebr. III 14.)
Chief justice, unless impeached or otherwise disqualified, when senate selects a presiding officer. (Ark. XV 2.)
Chief justice or presiding justice of highest court; if chief justice disqualified, senate to select judge of that court to preside. (Ga. III Sec. V 4.)
Chief justice of highest court to preside; if he is on trial or otherwise disqualified, senate to elect judge of that court to preside. (Ariz. VIII Pt. II 1.)
Chief justice, or if absent or disqualified, one of associate justices of highest court selected by it. If all members of court are absent or disqualified or in case of impeachment of justice of highest court, senate to elect one of its own members as presiding officer. (Okla. VIII 3.)
Chief justice, and if improper for him to act, any judge of that court designated by it. (W.Va. IV 9.)
Chief justice, except on his trial, when governor to preside. (Fla. III 29.)
Chief justice, or, if disqualified, senior justice, "with casting vote, in all preliminary questions". (S.C. XV 2.)
Chief justice, or, if he is on trial, senior associate justice. (Tenn. V 2.)
When Governor on Trial
Chief justice. (Colo. XIII 1; Conn. IX 2; Ida. V 4; Ill. IV 24; Ky. 84; Mich. IX 3; Mont. V 16; Mo. VII 2; Nev. VII 1; N.M. IV 35; N.C. IV 4; N.D. XIV 195; S.D. XVI 2; Utah VI 18; Wash. VI 1; Wyo. III 17.)
Chief justice, with "casting vote, in all preliminary questions". (R.I. XI 2.)
Chief justice, but to have no vote. (N.H. II 39.)
Chief justice, or senior associate justice. (La. 218.)
Chief justice; when he is disabled, or disqualified, or refuses to act, judge next oldest in commission. (Miss. IV 52.)
Chief justice, or if absent or disqualified, one of associate justices of that court selected by it. (Ala. VII 173.)
Chief justice, or if he is absent or disabled, chancellor. (Del. VI 1.)
When Lieutenant-Governor on Trial
Chief justice. (Colo. XIII 1; Mich. IX 3; Mont. V 16; Nev. VII 1; N.D. XIV 195; N.M. IV 35; S.D. XVI 2; Wash. V 1.)
Chief justice, or if he is absent or disabled, chancellor. (Del. VI 1.)
Chief justice, or if absent or disqualified, one of associate justices of that court selected by it. (Ala. VII 173.)

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IMPEACHMENT (*Cont'd*)

TRIAL (*Cont'd*)

Time of Holding

After final adjournment. (Mich. IX 2; Tenn. V 3.)

Senate may sit during recess of legislature. (Va. IV 54; W.Va. IV 9.)

Senate may sit when lower house not in session. (Fla. III 29; La. 218.)

Limitation of length of biennial session not to apply when impeachments are pending. (Ark. V 17.)

Senate may adjourn trial from time to time. (La. 218.)

Senate may adjourn to such time and place as deemed proper, though legislature not assembled on such day or at such place. (N.H. II 35.)

Senate may adjourn to fixed day not more than six months after charges preferred. (Fla. III 29.)

Detailed provisions as to assembling of lower house during recess to prefer charges against governor, lieutenant-governor or acting governor, and of senate to try such charges. (Ala. VII 173.)

Within 10 days after notice served on chief justice of highest court or (if member of highest court impeached) within 30 days after notice to all judges of district courts. (Nebr. III 14.)

Procedure

Members of court on oath or affirmation. (Ala. VII 173; Ariz. VIII Pt. II 1; Ark. XV 2; Cal. IV 17; Colo. XIII 1; Conn. IX 2; Del. VI 1; Fla. III 29; Ga. III Sec. V 4; Ill. IV 24; Iowa III 19; Ky. 67; La. 218; Me. IV Pt. II 7; Md. III 26; Mich. IX 3; Minn. IV 14; Mont. V 16; Nev. VII 1; N.H. II 37; N.J. VI Sec. III 1; N.M. IV 35; N.Y. VI 13; N.D. XIV 195; Ohio II 23; Okla. VIII 4; Pa. VI 2; R.I. XI 2; S.C. XV 2; S.D. XVI 2; Tenn. V 2; Tex. XV 3; Utah VI 18; Vt. II 54; Va. 54; Wash. V 1; W.Va. IV 9; Wis. VII 1; Wyo. III 17.)

Members of court sworn. (Kan. II 27; Mass. Pt. II Ch. I Sec. II 8; Miss. IV 49; Mo. VII 2.)

Lower house elects three members to prosecute. (Mich. IX 2; Tenn. V 3.)

Person impeached may produce witnesses and proof and may appear by counsel. (N.H. II 37.)

Judgment may be rendered if person impeached does not appear. (N.H. II 37.)

Number Necessary for Conviction

No provision made in Alabama, Massachusetts and New Hampshire.

Two-thirds of members. (Ark. XV 2; Ohio II 23.)

Two-thirds of all members. (Del. VI 1; N.J. VI Sec. III 1.)

Two-thirds of members of court. (Nebr. III 14.)

Two-thirds of members elected. (Ariz. VIII Pt. II 2; Cal. IV 17; Colo. XIII 1; Ida. V 4; Ill. IV 24; Ind. VI 7; Kan. II 27;

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IMPEACHMENT (*Cont'd*)

TRIAL (*Cont'd*)

Number Necessary for Conviction (*Cont'd*)

Md. III 26; Mich. IX 3; Mont. V 16; Nev. VII 1; N.M. IV 35; N.D. XIV 195; R.I. XI 2; S.C. XV 2; S.D. XVI 2; Utah VI 18; Wash. V 1; Wyo. III 17.)

Two-thirds of members to which senate entitled under apportionment. (W.Va. IV 9, VI 32.)

Two-thirds of members "sworn to try the officer impeached". (Tenn. V 2.)

Two-thirds of members present. (Conn. IX 2; Fla. III 29; Ga. III Sec. V 4; Iowa III 19; Ky. 67; La. 218; Me. IV Pt. II 7; Minn. IV 14; Miss. IV 52; Mo. VII 2; N.Y. VI 13; N.C. IV 3; Okla. VIII 4; Pa. VI 2; Tex. XV 3; Vt. II 54; Va. 54; Wis. VII 1.)

LIMITS OF JUDGMENT

Not to extend beyond removal from office. (Mich. IX 3; Okla. VIII 5; R.I. XI 3; S.C. XV 3.)

Not to extend beyond removal from office and disqualification to hold office in state. (Ida. V 3; N.C. IV 3.)

Not to extend beyond removal from office and disqualification to hold office under authority of state. (Ohio II 24.)

Not to extend beyond removal from office and disqualification to hold office under authority of state during term for which elected or appointed. (Ala. VII 176.)

Not to extend beyond removal from office and disqualification to holding office of trust or profit under state. (N.D. XIV 196; Pa. VI 3; S.D. XVI 3.)

Not to extend beyond removal from office and disqualification to hold office of honor, trust or profit in state. (Ariz. VIII Pt. II 2; Colo. XIII 2; Ga. III Sec. V 5; Minn. XIII 1; Miss. IV 51; Nebr. III 14, 20; Utah VI 19; Wash. V 2.)

Not to extend beyond removal from office and disqualification to hold office of honor, trust or profit under state. (Ark. XV 1; Cal. IV 18; Conn. IX 3; Del. VI 2; Fla. III 29; Iowa III 20; Ky. 68; La. 218; Mass. Pt. II Ch. I Sec. II 8; Me. IV Pt. II 7; Mo. VII 2; Nev. VII 2; N.J. VI Sec. III 3; N.Y. VI 13; Tex. XV 4; Vt. II 54; Va. IV 54; W.Va. IV 9; Wis. VII 1.)

Not to extend beyond removal from office and disqualification to hold office of profit, honor or trust under constitution. (Kan. II 28.)

Not to extend beyond removal from office and disqualification to hold office of honor, profit or trust under the government of this state. (Ill. IV 24.)

Not to extend beyond removal from office and disqualification to hold office of honor, trust or profit under laws of state. (Mont. V 17; Wyo. III 18.)

Not to extend beyond removal from office and disqualification to hold place of honor, trust or profit under state. (N.H. II 38.)

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IMPEACHMENT (*Cont'd*)

LIMITS OF JUDGMENT (*Cont'd*)

Not to extend beyond removal from office and disqualification to hold office of honor, trust or profit, or to vote under laws of state. (N.M. IV 36.)

Not to extend beyond removal from office and disqualification to fill any office, but legislature may relieve from penalties any person disqualified from holding office by judgment of court of impeachment. (Tenn. V 4.)

FURTHER LIABILITY

Liable to indictment and punishment as provided by law. (Ala. VII 176; Ark. XV 1; Ariz. VIII Pt. II 2; Cal. IV 18; Colo. XIII 2; Conn. IX 3; Del. VI 2; Fla. III 29; Ga. III Sec. V 5; Ida. V 3; Ill. IV 24; Iowa III 20; Kan. II 28; Ky. 68; La. 218; Me. IV Pt. II 7; Mass. Pt. II Ch. I Sec. II 8; Mich. IX 3; Minn. XIII 1; Miss. IV 51; Mo. VII 2; Mont. V 17; Nebr. III 14; Nev. VII 2; N.H. II 38; N.J. VI Sec. III 3; N.M. IV 36; N.Y. VI 13; N.C. IV 3; N.D. XIV 196; Ohio II 24; Okla. VIII 5; Pa. VI 3; R.I. XI 3; S.C. XV 3; S.D. XVI 3; Tenn. V 4; Tex. XV 4; Utah VI 19; Vt. II 54; Va. IV 54; Wash. V 2; W.Va. IV 9; Wis. VII 1; Wyo. III 18.)

Liable to civil action according to law. (N.M. IV 36.)

No person liable to impeachment twice for same offense. (N.D. XIV 201; S.D. XVI 8.)

PARDONS

Impeachment expressly excepted from right to grant pardons. (Ala. V 124; Ariz. V 5; Ark. VI 18; Cal. VII 1; Colo. IV 7; Del. VII 1; Fla. IV 12; Ga. V Sec. I 12; Ida. IV 7; Ind. V 17; Iowa IV 16; Ky. 77; La. 70; Me. V Pt. I 11; Md. II 20; Mass. Pt. II Ch. II Sec. I 8; Mich. VI 9; Minn. V 4; Miss. V 124; Mo. V 8; Mont. VII 9; Nebr. V 13; Nev. V 14; N.H. II 51; N.J. V 10; N.M. V 6; N.Y. IV 5; N.C. III 6; N.D. III 76; Ohio III 1; Okla. VI 10; Pa. IV 9; R.I. Amend. 2; S.C. IV 11; S.D. IV 5; Tenn. III 6; Tex. IV 11; Utah VII 12; Vt. II 20; Va. V 73; W.Va. VII 11; Wis. V 6; Wyo. IV 5.)

No specific exception of impeachment from right to grant pardons. (Ill. V 13; Kan. I 7; Wash. III 9.)

No provision for granting pardons in any cases is found in Connecticut.

Impeachment is not allowed. (Ore. VII 6.)

REPRIEVES

Impeachment expressly excepted from right to grant reprieves. (Ala. V 124; Ariz. V 5; Ark. VI 18; Cal. VII 1; Colo. IV 7; Conn. IV 10; Del. VII 1; Fla. IV 11; Ga. V Sec. I 12; Ida. IV 7; Ind. V 17; Iowa IV 16; Ky. 77; Me. V Pt. I II; Md. II 20; Mich. VI 9; Minn. V 4; Miss. V 124; Mo. V 8; Mont. VII 9; Nebr. V 3; Nev. V 13; N.J. V 9; N.M. V 6; N.Y. IV 5; N.C. III 6; N.D. III 76; Ohio III 1; Okla. VI 10; Pa. IV 9; R.I. Amend. 2; S.C. IV 11; S.D. IV 5; Tenn. III 6; Tex. IV 11; Utah VII 12; Vt. II 20; Va. V 73; W.Va. VII 11; Wis. V 6; Wyo. IV 5.)

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IMPEACHMENT (*Cont'd*)

REPRIEVES (*Cont'd*)

No specific exception of impeachment from right to grant reprieves "for all offenses". (Ill. V 13; La. 70.)

No specific provision for granting reprieves in any cases is found in Kansas, Massachusetts, New Hampshire and Washington, but Massachusetts and New Hampshire except impeachment from the right to grant pardons. (Kan. I 7; Mass. Pt. II Ch. II Sec. I 8; N.H. II 51; Wash. III 9.)

Impeachment not allowed. (Ore. VII 6.)

REMOVAL OF DISABILITIES

Act of legislature alone may remit or mitigate punishment. (Vt. II 20.)

Impeachment expressly excepted from right to grant commutation of punishments. (Ala. V 124; Ariz. V 5; Ark. VI 18; Cal. VII 1; Colo. IV 7; Del. VII 1; Fla. IV 12; Ga. V Sec. I 12; Ida. IV 7; Ind. V 17; Iowa IV 16; La. 70; Ky. 77; Me. V Pt. I 11; Mich. VI 9; Mo. V 8; Mont. VII 9; Nebr. V 13; Nev. V 14; N.Y. IV 5; N.C. III 6; N.D. III 76; Ohio III 1; Okla. VI 10; Pa. IV 9; S.C. IV 11; S.D. IV 5; Tex. IV 11; Utah VII 12; Wis. V 6; Wyo. IV 5.)

No express exception of impeachment from right to commute punishment "for all offenses". (Ill. V 13.)

No specific provision for granting commutations of punishments in any cases is found in (Conn. IV 10; Kan. I 7; Md. II 20; Mass. Pt. II Ch. II Sec. I 8; Minn. V 4; Miss. V 124; N.H. II 51; N.J. V 10; N.M. V 6; R.I. VII 4; Tenn. III 6; Vt. II 20; Va. V 73; Wash. III 9; W. Va. VII 11.)

Impeachment not allowed. (Ore. VII 6.)

IMPRISONMENT FOR DEBT

PROHIBITED IN GENERAL

For exceptions to general rule, See below, this title, EXCEPTIONS.

In all cases. (Ala. I 20; Ariz. II 18; Colo. II 12; Fla. D.R. 16; Ga. I Sec. I 21; Ida. I 15; Ill. II 12; Ind. I 22; Kan. B.R. 16; Md. III 38; Minn. I 12; Miss. III 30; Mo. II 16; Mont. III 12; Nev. I 14; N.J. I 17; N.C. I 16; N.D. I 15; Okla. II 13; Ore. I 19; S.C. I 24; Tex. I 18; Utah I 16; Wash. I 17; Wyo. I 5.)

In all civil actions. (Ark. II 16; Cal. I 15; Iowa I 19; Nebr. I 20; N.M. II 21; Ohio I 15; Tenn. I 18.)

In all cases after debtor has delivered up his estate in manner prescribed by law. (Ky. B.R. 18; Pa. I 16; Vt. II 32.)

In all cases after debtor has delivered up his estate in manner provided by law, he ought not to be continued in prison. (R.I. I 11.)

In all cases of militia fines in time of peace. (Cal. I 15; Iowa I 19; Mich. II 20; Nev. I 14; N.J. I 17.)

In all cases arising out of or founded on contract. (Mich. II 20; N.J. I 17; S.D. VI 15; Wis. I 16.)

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IMPRISONMENT FOR DEBT (*Cont'd*)

EXCEPTIONS

Fraud. (Ariz. II 18; Ark. II 16; Cal. I 15; Fla. D.R. 16; Ida. I 15; Ind. I 22; Iowa I 19; Kan. B. R. 16; Mich. II 20; Minn. I 12; Nebr. I 20; Nev. I 14; N.J. I 17; N.C. I 16; Ohio I 15; Ore. I 19; Pa. I 16; S.C. I 24; Wyo. I 5.)

Strong presumption of fraud. (Colo. II 12; Ill. II 12; Ky. 18; N.D. I 15; R.I. I 11; Vt. II 32.)

Tort where strong presumption of fraud. (Mont. III 12.)

Tort. (Colo. II 12; N.D. I 15.)

Tort for wilful injury to person or property. (Cal. I 15.)

Libel. (Nev. I 14.)

Slander. (Nev. I 14.)

Non-payment of fines and penalties imposed for violations of law. (Mo. II 16; Okla. II 13.)

Refusal to deliver up estate for benefit of creditors in manner prescribed by law. (Colo. II 12; Ill. II 12; Mont. III 12; N.D. I 15.)

Absconding debtors. (Ore. I 19; Utah I 16; Wash. I 17.)

Money collected by public officers or persons in professional employment. (Mich. II 20.)

Breach of trusts. (Mich. II 20.)

INDIANS

Liquor for, *See* LIQUOR.

Taxation, *See* TAXATION.

Votes, *See* ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

State disclaims right and title to land owned or held by Indian or Indian tribe, and until title extinguished by United States same to remain subject to disposition of United States and under absolute jurisdiction and control of Congress. (Ida. XXI 19; Mont. I 2; N.D. XVI 203; S.D. XXII 2, XXVI 18; Utah III 1; Wash. XXVI 2; Wyo. Ordinance.)

State disclaims right and title to lands owned or held by Indian or Indian tribes, right or title to which acquired through or from United States or any prior sovereignty, and until title of such Indian or Indian tribes extinguished, to remain, subject to disposition and under absolute jurisdiction and control of Congress. (Ariz. XX 4; N.M. XXI 2.)

State disclaims right and title to land owned or held by Indian, tribe or nation, and until title extinguished by United States to remain subject to jurisdiction, disposal and control of United States. (Okla. I 3.)

Purchases or contracts for sale of lands made since October 14, 1775, made of or with Indians, not to be valid unless made under authority and with consent of legislature. (N.Y. I 15.)

Nothing in laws of United States, or any treaties with the Indian tribes in state, to deprive any Indian or other allottee of benefit of homestead and exemption laws of state; provision may be changed or amended by legislature. (Okla. XII 1, 3.)

Indians not taxed who have not severed tribal relations and adopted habits of civilization may not be jurors or hold civil office. (Ida. VI 3.)

Persons residing on Indian land within state to enjoy rights and privileges of citizens and to be subject to taxation. (Minn. XV 2.)

INDICTMENT, *See* CRIMES — FORM OF ACCUSATION.

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INDUSTRY

For provisions relating to manufacture, See MANUFACTURE.

Commissioner of agriculture and industries, *See* AGRICULTURE.

Commissioner of agriculture, labor and industry, *See* AGRICULTURE.

Appropriations for industrial purposes not to be made to any person, corporation or community not under absolute control of state. (Colo. V 34; Mont. V 35; Wyo. III 36.)

Bureau of industrial statistics to be under secretary of internal affairs. (Pa. IV 19.)

INFORMATIONS, *See* CRIMES — FORM OF ACCUSATION.

INITIATIVE AND REFERENDUM

PROVISIONS COMMON TO

For provisions relating only to initiative, See below, this title, INITIATIVE.

For provisions relating only to referendum, See below, this title, REFERENDUM.

To What Measures Applicable

Limiitations on power of legislature applicable to power of people. Law not to be passed authorizing classification of property to levy different rates of taxation or to levy single tax on lands, land values, or land sites at higher rate or by different rule than applied to improvements or personal property. (Ohio II 1, 1e.)

Enacting Clause for All Measures

"Be it enacted by the people of the state of . . . ." (Ark. V 1; Me. IV Pt. I 1; Mo. IV 57.)

Method of Invoking

By petition. (Ariz. IV Pt. I 1; Ark. V 1; Cal. IV 1; Colo. V 1; Me. IV Pt. III 17; Mich. V 1; Mo. IV 57; Mont. V 1; Nebr. III 1A, 1B; Nev. XIX 3; N.D. II 25, XV 202(2) (1914); Ohio II 1a-1g; Okla. V 2, 3; Ore. IV 1; Wash. II 1a, 1b.)

Shall be provided by law. (Ida. III 1; Utah VI 1 (2).)

No provision. (S.D. III 1.)

To Whom Petition Addressed

Secretary of state. (Ariz. IV Pt. I 1(9); Colo. V 1.)

Governor. (Okla. V 3.)

Form of Petition

To consist of sheets with general form printed or written at top as designated or prescribed by secretary of state. (Colo. V 1.)

Contents of Petition

A full and correct copy of text of measure required on every petition. (Ariz. IV Pt. I 1(9); Cal. IV 1; Me. IV Pt. III 20; Mich. V 1, XVII 2.)

Who May Solicit Signatures to Petition

Any qualified elector of state within county, of which he is an elector. (Mich. V 1.)

Any qualified elector of state within county, or city and county of which he is an elector. (Cal. IV 1.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

PROVISIONS COMMON TO (*Cont'd*)

Who May Sign Petition

Qualified electors of state. (Colo. V 1; Me. IV Pt. III 20; Ohio II 1g.)

Qualified electors of city and county in which particular section of petition is being circulated. (Cal. IV 1.)

Qualified electors of county or city in which particular section of petition is being circulated. (Mich. V 1.)

Manner of Signing Petition

Electors shall sign in their own proper persons only. (Colo. V 1.)

The names of all signers shall be written in ink, each signer for himself. (Ohio II 1g.)

Information Required with Signature

Date of signing. (Ariz. IV Pt. I 1(9); Colo. V 1; Ohio III 1g.)

Residence address of signer. (Colo. V 1.)

Residence, giving street and number. (Ariz. IV Pt. I 1(9); Cal. IV 1; Mich. V 1, XVII 2.)

Residence, giving street and number. A signer outside of a municipality shall state township and county in which he resides. (Ohio II 1g.)

Post-office address. (Ariz. IV Pt. I 1(9).)

Election precinct. (Cal. IV 1; Mich. V 1, XVII 2.)

Same; also the ward. (Ohio II 1g.)

Declaration of Signer That He Is Qualified

Each petition shall contain declaration of each petitioner, for himself, that he is a qualified elector. (Ariz. IV Pt. I 1(9).)

Certificate That Signers Are Qualified

The signatures on petitions shall be accompanied by certificate of clerk of city, town or plantation in which petitioners reside, that their names appear on voting list of his city, town or plantation as qualified to vote for governor. (Me. IV Pt. III 20.)

Affidavit Verifying Signatures

Of Whom Required

The circulator of petition. (Ariz. IV Pt. I 1(9); Cal. IV 1; Mich. V 1, XVII 2; Ohio II 1g.)

One of certified petitioners. (Me. IV Pt. III 20.)

A qualified elector. (Colo. V 1.)

Contents

To state number of signers. (Ohio II 1g.)

To state that signatures are genuine. (Colo. V 1.)

To state that signatures are genuine to the best of affiant's knowledge and belief and were made in affiant's presence. (Cal. IV 1; Mich. V 1, XVII 2; Ohio II 1g.)

To state that signers are electors to best of affiant's knowledge and belief. (Colo. V 1; Ohio II 1g.)

To state that petitioners signed with knowledge of contents of petition and on dates set opposite their names. (Ohio II 1g.)

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INITIATIVE AND REFERENDUM (*Cont'd*)
PROVISIONS COMMON TO (*Cont'd*)
Affidavit Verifying Signatures (*Cont'd*)
By Whom Taken
To be taken free of charge by any officer authorized to administer oaths. (Cal. IV 1.)
Other Affidavits
No other affidavit than affidavit of person soliciting signatures, verifying same, required. (Cal. IV 1; Mich. V 1, XVII 2; Ohio II 1g.)
Sections of Petition
Authorized. (Cal. IV 1; Mich. V 1; Ohio II 1g.)
Each section shall contain a full and correct copy of title and text of proposed measure. (Cal. IV 1; Mich. V 1.)
Each section shall contain a full and correct copy of title and text of proposed or referred measure. (Ohio II 1g.)
Each section of petition shall bear name of county or city and county, in which it is circulated. (Cal. IV 1.)
Each section of petition shall bear name of county or city in which it is circulated. (Mich. V 1.)
The number of signatures attached to each section may be at pleasure of person soliciting signatures to same. (Cal. IV 1.)
Only qualified electors of county or city and county in which section is circulated may sign. (Cal. IV 1.)
Basis for Computing Number of Signers
The total number of votes cast at last general election for state office receiving highest number of votes. (Okla. V 2.)
The whole number of electors who voted for governor at regular election last preceding filing of any petition for initiative or for referendum. (Ariz. IV Pt. I 1(7); Ark. V 1; Cal. IV 1; Me. IV Pt. III 20; Mich. V 1; Mont. V 1; Nebr. III 1D; Ohio II 1g; Wash. II 1d.)
The whole number of votes cast for secretary of state at regular election last preceding filing of any petition. (Colo. V 1; N.D. II 25 (1914).)
The whole number of votes cast for justice of supreme court at general election last preceding filing of any petition for initiative or referendum. (Mo. IV 57; Nev. XIX 3; Ore. IV 1.)
Filing Petition
Petition shall be filed with secretary of state. (Ariz. IV Pt. I 1(4); Ark. V 1; Colo. V 1; Mo. IV 57; Mont. V 1; Nebr. III 1A, 1B; Nev. XIX 1, 3; N.D. II 25 (1914); Ohio II 1a, 1c; Okla. V 3; Ore. IV 1; Wash. II 1a, 1d.)
Each section of petition shall be filed with clerk of county, in which it was circulated, and all said sections circulated in any county, shall be filed at the same time. (Mich. V 1.)
Each section of petition shall be filed with clerk or registrar of voters of county, or city and county in which it was circulated, and all said sections circulated shall be filed at same time. (Cal. IV 1.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

PROVISIONS COMMON TO (*Cont'd*)

Examination of Signatures to Petition

Upon receipt of any petition, secretary of state shall canvass same to ascertain if it has been signed by requisite number of qualified voters. (Mich. V 1.)

Within 20 days after filing of petition in office of clerk or registrar of voters, such clerk or registrar shall determine from records of registration what number of qualified electors have signed same, and, if necessary, the board of supervisors shall allow such clerk or registrar additional assistants for purpose of examining such petitions, and provide for their compensation. (Cal. IV 1.)

Presumption of Validity of Signatures

Petitions properly verified by affidavit shall be *prima facie* evidence that signatures thereon are genuine, and that persons signing same are qualified electors. (Cal. IV 1; Colo. V 1; Mich. V 1.)

Certification of Number of Signatures

Clerk or registrar of county or city or county in which a petition shall have been circulated, shall attach to petition, except the signatures thereto appended, his certificate properly dated showing result of his examination of signatures thereon; he shall file copy of certificate in his office. (Cal. IV 1.)

Transmission of Petition to Proper Officer

Within 20 days after filing of a petition in his office, county clerk shall forward it to secretary of state. (Mich. V 1.)

The clerk or registrar of voters of county or city and county in which a petition was circulated, shall, after examining signatures thereon, and certifying result of his examination, transmit petition, together with his certificate to secretary of state. (Cal. IV 1.)

Certification of Receipt of Petition

When secretary of state shall have received from one or more county clerks or registrars of voters, a petition certified to have been signed by requisite number of qualified voters, he shall forthwith transmit to county clerk or registrar of voters, of said county, or city and county in state, his certificate showing such fact. (Cal. IV 1.)

When Petition to Be Deemed Filed

A petition shall be deemed filed with secretary of state upon date of receipt by him of a certificate or certificates, showing such petition to be signed by requisite number of electors of state. Any county clerk or registrar of voters shall, upon receipt, file same for record in his office. (Cal. IV 1.)

Presumption of Sufficiency of Petition

Unless and until it be otherwise proven upon official investigation, it shall be presumed that petition presented to secretary of state, contains signatures of requisite number of qualified electors. (Cal. IV 1.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

PROVISIONS COMMON TO (*Cont'd*)

Presumption of Sufficiency of Petition (*Cont'd*)

Petition and signatures upon petition, properly verified, shall be presumed to be in all respects sufficient, unless not later than 40 days before election, it shall be otherwise proved. (Ohio II 1g.)

Supplemental Petition

May be filed. (Cal. IV 1; Mich. V 1; Ohio II 1g.)

Supplemental petitions shall be identical with original as to body of petition, but containing supplemental names. (Cal. IV 1; Mich. V 1.)

Supplemental petitions may be filed with clerk or registrar of voters for proper county or city and county. (Cal. IV 1.)

Petition must be filed within 40 days from transmission of original petition to secretary of state. (Cal. IV 1; Mich. V 1.)

If, not later than 40 days before election, it shall be proved that petition is not sufficient, 10 additional days shall be allowed for filing of additional signatures. (Ohio II 1g.)

County clerk or registrar of voters shall, within 10 days after filing of a supplemental petition, make a like examination thereof as of original petition. (Cal. IV 1.)

Upon completion of his examination of supplemental petition county clerk shall attach to said petition his certificate showing result of such examination. (Cal. IV 1.)

Supplemental petition shall be forwarded to secretary of state by county clerk within 10 days after filing. (Mich. V 1.)

County clerk or registrar of voters shall forthwith, after examination of petition, transmit a copy thereof, except signatures thereto appended, together with his certificate, to secretary of state. (Cal. IV 1.)

County Officers to Perform Duties in Connection with Petition

Duties imposed upon clerk or registrar of voters shall be performed by registrar of voters in all cases where office of registrar of voters exists. (Cal. IV 1.)

Corruption in Respect to Petition

Laws shall be provided to prevent. (Okla. V 8.)

Submission to Electors

Notice

The text of all measures to be submitted shall be published as constitutional amendments are published. (Ariz. IV Pt. I 1(11); Colo. V 1.)

The text of all measures to be submitted shall be published as constitutional amendments are required by law to be published. (Mich. V 1.)

Until otherwise provided by law, all measures submitted to vote of electors under initiative or referendum, shall be printed, and together with arguments for and against all such measures by proponents and opponents thereof, shall

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INITIATIVE AND REFERENDUM (*Cont'd*)

PROVISIONS COMMON TO (*Cont'd*)

Submission to Electors (*Cont'd*)

Notice (*Cont'd*)

be mailed to each elector in same manner as now provided by law as to amendments to constitution proposed by legislature. Persons to prepare and present arguments shall until otherwise provided by law, be selected by presiding officer of senate. (Cal. IV 1.)

True copy of all laws or proposed laws or proposed amendments to constitution, together with argument or explanation, or both, for, and also argument or explanation, or both, against same, shall be prepared. * * * Secretary of state shall cause to be printed the law, proposed law, proposed amendments to constitution, together with arguments and explanations, and also arguments and explanations against each, and shall mail, or otherwise distribute, copy to each elector of state, as far as may be reasonably possible. Arguments shall not exceed total of 300 words. Person or persons who prepare argument or explanation, or both, for the law, section or item, submitted to electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by legislature when in session, and if not in session then by governor. (Ohio II 1g.)

Legislature shall provide methods of publicity of all laws or parts of law, and amendments to the constitution referred to people with arguments for and against, so that each voter shall receive publication at least 40 days before election at which they are to be voted upon. (Wash. II 1d.)

Time of

At regular biennial election, except when legislature shall order a special election. (Ark. V 1; Mo. IV 57; Mont. V 1; Ore. IV 1; Wash. II 1d.)

At biennial regular election except as provision may be made by law for special election or elections. (N.D. II 25 (1914).)

At next election held throughout state except when legislature or governor shall order special election for express purpose of making such reference. (Okla. V 3.)

By Whom Submitted

Secretary of state shall submit all measures initiated or referred to people for adoption or rejection at polls. (Colo. V 1.)

Manner of

To be governed by general laws, until legislature shall especially provide. (Ariz. IV Pt. I 1(11).)

To be governed by general laws and amendment establishing initiative and referendum, until additional legislation shall especially provide therefor. (Nebr. III 1D.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

PROVISIONS COMMON TO (*Cont'd*)

Submission to Electors (*Cont'd*)

Manner of (*Cont'd*)

To be governed by general laws and act submitting this amendment establishing initiative and referendum until additional legislation shall especially provide therefor. (Ark. V 1; Colo. V 1; Mo. IV 57; Mont. V 1; N.D. II 25, 1914; Ore. IV 1; Wash. II 1d.)

No law or amendment to the constitution proposed by legislature shall be submitted at any election, unless at same election, there shall be submitted all measures proposed by petition of electors, if any were proposed. (Cal. IV 1.)

Until legislature shall enact further regulations not inconsistent with constitution, election officers and other officials shall be governed by provisions of constitution and general law, supplemented by such reasonable action as may be necessary to render preceding sections self-executory. (Me. IV Pt. III 23.)

Ballots

Secretary of state shall have printed on ballot title and number of measures submitted together with words "yes" and "no" in such manner that voters may express their approval or disapproval of measure. (Ariz. IV Pt. I 1(10).)

Full text of measure submitted to vote of people under provisions of constitution, need not be printed on official ballot, but, until otherwise provided by legislature, secretary of state shall prepare ballots in such form as to present question or questions concisely and intelligibly. (Me. IV Pt. III 20.)

All propositions shall be submitted in a non-partisan manner and without any indication or suggestion on ballot that have been approved or indorsed by any political party or organization. Only title of measures printed on ballot. When two or more measures have same title they shall be numbered consecutively in order of filing with secretary of state and including name of first petitioner. (Nebr. III 1D.)

Unless otherwise provided by law secretary of state shall have printed upon ballots title of any such law, or proposed law, or proposed amendment to constitution, to be submitted. Printed in manner to permit affirmative or negative vote upon each measure submitted to electors. (Ohio II 1g.)

Conflicting Measures

When conflicting measures are submitted to people ballots shall be so printed that voter can express separately by marking one cross (X) for each, two preferences, first, as between either measure and neither, and secondly as be-

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INITIATIVE AND REFERENDUM (*Cont'd*)

PROVISIONS COMMON TO (*Cont'd*)

Submission to Electors (*Cont'd*)

Conflicting Measures (*Cont'd*)

tween one and other. If majority of those voting on first issue is for neither, both fail, but in that case votes on second issue shall nevertheless be carefully counted and made public. If majority voting on first issue is for either, then measure receiving majority of votes on second issue shall be law. (Wash. II 1a.)

If two or more measures approved by electors at same election conflict, measure receiving highest affirmative vote shall prevail. (Mich. V 1; N.D. II 25 (1914); Ohio II 1b.)

If conflicting measures submitted to people at same election shall be approved by electors, measure receiving highest number of affirmative votes shall thereupon become law as to all conflicting provisions. (Ariz. IV Pt. I 1(12); Cal. IV 1; Nebr. III 1A; Nev. XIX 3.)

Vote Necessary to Adoption

Majority of votes cast thereon. (Ariz. IV Pt. I 1(5); Ark. V 1; Cal. IV 1; Colo. V 1; Me. IV Pt. III 19; Mich. V 1, XVII 2; Mo. IV 57; Ore. IV 1.)

Majority of votes cast thereon, provided that vote cast upon such measure shall equal one-third of total vote cast at election. (Wash. II 1d.)

Returns

Secretary of state in presence of governor and chief justice of supreme court to canvass votes for and against each measure or proposed amendment submitted within 30 days of election. (Ariz. IV Pt. I 1(13).)

Vote shall be returned and canvassed in same manner as prescribed in presidential elections. (Nebr. III 1D.)

Declaration of Result

Upon completion of canvass of vote, governor shall forthwith issue proclamation, giving whole number of votes, cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved to be law. (Ariz. IV Pt. I 1(13).)

Time of Taking Effect

When approved by people. (Ark. V 1; Mo. IV 57; Okla. V 3; Ore. IV 1.)

From date of official declaration of vote. (Nev. XIX 3; N.D. II 25 (1914).)

On and after thirtieth day after election at which it is approved. (Wash. II 1d.)

Upon proclamation by governor. (Ariz. IV Pt. I 1(5).)

Upon proclamation by governor made within 10 days of completion of official canvass. (Nebr. III 1D.)

Upon proclamation by governor within 30 days of completion of official canvass. (Colo. V 1.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

PROVISIONS COMMON TO (*Cont'd*)

Time of Taking Effect (*Cont'd*)

Unless later date is specified in measure in 30 days after governor has made public proclamation of result of vote on measure which he shall do within 10 days after vote thereon has been canvassed and determined. (Me. IV Pt. III 19.)

Ten days after date of official declaration of vote by secretary of state, except in case of amendments to constitution which become effective 30 days after election. (Mich. V 1, XVII 2.)

Five days after date of official declaration of vote by secretary of state. (Cal. IV 1.)

Veto Power of Governor

Shall not extend to any measure approved by vote of people. (Me. IV Pt. III 19.)

Shall not extend to any initiated measure approved by vote of people. (Ohio II 1b.)

Shall not extend to measures initiated by or referred to people. (Nebr. III 1D; Wash. III 1d.)

Shall not extend to measures referred to people. (Ariz. IV Pt. I 1(6); Ark. V 1; Cal. IV 1; Colo. V 1; Mich. V 1; Mo. IV 57; Mont. V 1; N.D. II 25 (1914); Okla. V 3; Ore. IV 1; S.D. III 1.)

Adoption Cures Insufficiency of Petition

No law or amendment to constitution submitted to electors by supplementary petition and approved, shall be held unconstitutional or void on account of the insufficiency of petitions by which submission was procured; nor shall rejection of any law submitted by referendum petition be held invalid for such insufficiency. (Ohio II 1g.)

Resubmission of Measure

Any measure rejected by people through powers of the initiative and referendum, cannot be again proposed by initiative within three years thereafter by less than 25 per cent. of legal voters. (Okla. V 6.)

Amendment and Repeal of Adopted Measure

Power of legislature to repeal or amend shall not extend to initiative or referendum measures approved by electors. (Ariz. IV Pt. I 1(6) (1914).)

Reservation of powers of initiative and referendum in article shall not deprive legislature of right to repeal any law, propose or pass any measure, which may be consistent with constitution of state and constitution of United States. (Okla. V 7.)

No act, law or bill approved by a majority of electors voting thereon shall be amended or repealed by legislature within a period of two years following such enactment. But such enactment may be amended or repealed at any general, regular or special election by direct vote of people thereon. (Wash. II 1c.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

PROVISIONS COMMON TO (*Cont'd*)

Constitutional Provisions Self-Executing

In all respects. (Ariz. IV Pt. I 1(15); Colo. V 1.)

But legislation may be enacted to facilitate their operation. (Nebr. III 1D; Nev. XIX 3; N.D. II 25 (1914); Wash. II 1d.)

But legislation may be enacted to facilitate their operation but in no way limiting or restricting either provisions of this section, or powers herein reserved. (Cal. IV 1.)

But except as herein otherwise provided, laws may be passed to facilitate their operation, but in no way restricting either such provision or powers herein reserved. (Ohio II 1g.)

Not to Interfere with Rights of Members of Legislature

This section shall not be construed to deprive any member of legislature of right to introduce any measure. (Ariz. IV Pt. I 1 (14); Ark. V 1; Colo. V 1; Mo. IV 57; Mont. V 1; Nebr. III 1D; N.D. II 25, 1914; Ore. IV 1; S.D. III 1; Wash. II 1d.)

Legislature to Make Suitable Provisions for Enforcing

The legislature shall make suitable provisions for carrying into effect provisions of this article. (Okla. V 3; S.D. III 1.)

Not Limited by Power of Legislature

Words "the legislative assembly shall provide" or any similar or equivalent words in constitution shall not be construed to grant to legislature any exclusive power of law-making nor in any way to limit the initiative and referendum powers reserved to the people. (Ore. II 18.)

INITIATIVE

For provisions common to both initiative and referendum, See above, this title, PROVISIONS COMMON TO.

Direct initiative for laws, See below, this title, DIRECT INITIATIVE FOR LAWS.

Indirect initiative for laws, See below, this title, INDIRECT INITIATIVE FOR LAWS.

Direct initiative for constitutional amendments, See below, this title, DIRECT INITIATIVE FOR CONSTITUTIONAL AMENDMENTS.

Indirect initiative for constitutional amendments, See below, this title, INDIRECT INITIATIVE FOR CONSTITUTIONAL AMENDMENTS.

Local initiative, See below, this title, LOCAL INITIATIVE AND REFERENDUM.

Defined

Right reserved to the people to propose measures. (S.D. III 1.)

The power reserved to people to propose laws and amendments to constitution and to enact same at polls independent of legislature. (Ariz. IV Pt. I 1(1); Ark. V 1; Cal. IV 1; Colo. IV 1; Mo. IV 57; Nebr. III 1; Nev. XIX 3; Okla. V 1; Ore. IV 1.)

Power reserved to people to propose legislative measures, resolutions and laws, and to enact or reject same at polls independently of legislature. (Mich. V 1.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

INITIATIVE (*Cont'd*)

Defined (*Cont'd*)

Power reserved to people to propose laws and to enact or reject same at polls independent of legislature. (Ida. III 1; Me. IV Pt. I 1; Mont. V 1; Wash. II 1.)

Power reserved to people to propose measures for enactment into laws. (N.D. II 25 1914.)

Power reserved to people to propose to legislature laws and amendments to constitution, and to adopt or reject same at polls on a referendum vote * * * and independent of general assembly to propose amendments to constitution and adopt or reject same at polls. (Ohio II 1.)

Applicable to Laws and Amendments. (Ariz. IV Pt. I 1(1); Ark. V 1; Cal. IV 1; Colo. V 1; Mich. V 1, XVII 2; Mo. IV 57; Nebr. III 1; Nev. XIX 3; N.D. XV 202 (1914); Ohio II 1a; Okla. V 1; Ore. IV 1.)

Applicable to Laws Only. (Ida. III 1; Me. IV Pt. I 1, Pt. III 18; Mont. V 1; S. D. III 1; Utah IV 1(2); Wash. II 1.)

To What Laws Applicable

No limitation. (Ariz. IV Pt. I 1(1); Ark. V 1; Cal. IV 1; Colo. V 1; Ida. III 1; Mo. IV 57; Nev. XIX 3; N.D. II 25 (1914); Okla. V 1; Ore. IV 1; S.D. III 1; Utah VI 1(2); Wash. II 1.)

Any bill, resolve or resolution, including bills to amend or repeal emergency legislation. (Me. IV Pt. III 18.)

To What Laws Not Applicable

Limitations expressed in constitution on power of legislature to enact laws to be deemed limitations on power of people to enact laws. (Mich. V 1; Nebr. III 1A.)

If constitution amended so as to allow laws to be enacted by direct vote of electors, laws which may be so enacted shall be only such as might be enacted by legislature under provisions of this constitution. (N.M. XIX 3.)

Such as relate to appropriations of money, and those relating to submission of constitutional amendments, and local and special laws as enumerated in article V, section 25 of constitution. (Mont. V 1.)

Enacting Clause

"Be it enacted by the People of the State of ....." (Colo. V 1; Mont. V 1; N.D. II 25 1914; Ohio II 1g; S.D. III 1; Wash. II 1d.)

"The People of the State of..... do enact as follows:" (Nev. XIX 3.)

To Whom Petition Addressed

To legislature or either branch thereof. (Me. IV Pt. III 18.)

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INITIATIVE AND REFERENDUM *(Cont'd)*

INITIATIVE *(Cont'd)*

Contents of Petition

Every petition shall include full text of measure proposed. (Ark. V 1; Colo. V 1; Mo. IV 57; Mont. V 1; Nebr. III 1A; Nev. XIX 3; Okla. V 2; Ore. IV 1; Wash. II 1a.)

Filing Petition

To be filed with secretary of state or presented to legislature. (Me. IV Pt. III 17.)

Not less than four months before measure is to be voted upon. (Ariz. IV Pt. I 1(4); Ark. V 1; Colo. V 1; Mo. IV 57; Ore. IV 1.)

Number of Signers of Petition

Not more that 8 per cent. of legal voters. (Ark. V 1; Colo. V 1; Ore. IV 1.)

Not more than 8 per cent. of legal voters in each of at least two-thirds of congressional districts of state. (Mo. IV 57.)

Eight per cent. of legal voters, provided that two-fifths of whole number of counties of state must each furnish as signers 8 per cent. of legal voters of such county. (Mont. V 1.)

Submission to Electors

At general election. (Ida. III 1.)

Vote Necessary to Adopt Measures

Majority of those voting thereon. (Ohio II 1b.)

Majority of votes cast thereon, provided that vote cast upon such measure shall equal 35 per cent. of total vote cast at election. (Nebr. III 1D.)

Number of voters equal to majority of aggregate vote cast for office of governor at general election. (Ida. III 1.)

Time of Taking Effect

Thirty days after election at which it is approved. (Ohio II 1b.)

Publication of Adopted Measures

By secretary of state, required. (Ohio II 1b.)

Amendment and Repeal of Adopted Measures

Initiative measure approved by electors shall not be annulled, set aside or repealed by legislature within three years from date said act takes effect. (Nev. XIX 3.)

No act, law or amendment to constitution adopted under initiative shall be amended except by vote of electors unless otherwise provided in such initiative measure. (Cal. IV 1.)

No act, law or amendment to constitution adopted under initiative shall be amended or repealed except by vote of electors unless otherwise provided in such initiative measure, but legislature may propose amendments, alterations or repeals to people. (Mich. V 1.)

Resubmission of Measure

Same measure, either in form or in essential substance, shall not be submitted to people by initiative petition (either affirmatively or negatively) oftener than once in three years. (Nebr. III 1A.)

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INITIATIVE AND REFERENDUM *(Cont'd)*.

DIRECT INITIATIVE FOR LAWS

For provisions relating to all forms of initiative, See above, this title, INITIATIVE.

Title of Petition

Petitions shall have printed across top in twelve-point black-face type, "Initiative Measure to be Submitted Directly to the Electors". (Cal. IV 1.)

Number of Signers of Petition

Ten per cent. of qualified electors. (Ariz. IV Pt. I 1(2).

Ten per cent. of legal voters of state, so distributed as to include 5 per cent. of legal voters in each of two-fifths of counties of state. (Nebr. III 1A.)

Ten per cent., but in no case more than 50,000 of legal voters. (Wash. II 1a.)

Eight per cent. of legal voters. (Cal. IV 1; Okla. V 2.)

Time of Filing Petition

Not less than four months before election at which measure is to be voted upon. (Mont. V 1; Wash. II 1a.)

Submission to Electors

At first regular state election held not less than four months after filing of petition. (Nebr. III 1A.)

At next succeeding general election occurring subsequent to 90 days after presentation of petition to secretary of state, or at any special election called by governor, in his discretion, prior to such general election. (Cal. IV 1.)

Vote Necessary to Adopt Measure

Majority of votes cast at election. (Okla. V 3.)

INDIRECT INITIATIVE FOR LAWS

For provisions relating to all forms of initiative, See above, this title, INITIATIVE.

Title of Petition

Petitions shall have printed in twelve-point black-face type, "Initiative Measure to be Presented to the Legislature". (Cal. IV 1; Mich. V 1.)

Petitions shall have printed across top thereof: "Laws Proposed by Initiative Petition First to be Submitted to the General Assembly". (Ohio II 1b.)

Contents of Petition

Full text of measure proposed. (N.D. II 25 (1914).)

Number of Signers of Petition

Three per centum of electors; provided that petitions be filed from each of one-half of counties of state bearing signatures of not less than one-half of designated percentage of electors of such county. (Ohio II 1b, 1g.)

Five per cent. of voters. (Cal. IV 1.)

Not more than 5 per cent. of qualified electors of state (constitution does not mention petitions, but merely requires that measures be proposed by 5 per cent. of electors). (S.D. IV 1.)

At least 8 per cent. of legal voters. (Mich. V 1.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

INDIRECT INITIATIVE FOR LAWS (*Cont'd*)

Number of Signers of Petition (*Cont'd*)

At least 10 per cent. of legal voters to be secured in a majority of counties of state. (N.D. II 25 (1914).)

Not more than 10 per cent. of qualified electors. (Nev. XIX 3.)

Ten per centum, but in no case more than 50,000 of legal voters. (Wash. II 1a.)

Not less than 12,000 electors. (Me. IV Pt. III 18.)

Time of Filing Petition

Not less than 10 days before commencement of any session of legislature. (Mich. V 1; Ohio II 1b; Wash. II 1a.)

Not less than 10 days before commencement of any regular session of legislature. (Cal. IV 1.)

At least 30 days before close of legislative session. (Me. IV Pt. III 18.)

Not less than 30 days before any regular session of legislature. (Nev. XIX 3; N.D. II 25 (1914).)

Transmission of Petition to Legislature

Secretary of state shall transmit petition to legislature as soon as legislature convenes and organizes. (Cal. IV 1; Mich. V 1; Nev. XIX 3; N.D. II 25 (1914); Ohio II 1b; Wash. II 1a.)

Action by Legislature

At session at which bill is presented. (Me. IV Pt. III 18.)

Initiative measures shall have precedence over all other measures in the legislature except appropriation bills. (Nev. XIX 3; N.D. II 25 (1914); Wash. II 1a.)

Legislature shall enact any proposed measure and submit it to a vote of electors. (S.D. III 1.)

Initiated measures shall be either enacted or rejected without change or amendment by legislature. (Cal. IV 1; Me. IV Pt. III 18; Mich. V 1; Nev. XIX 3; N.D. II 25 (1914); Wash. II 1a.)

Legislature to enact or reject proposed measure by legislature before the end of regular session. (Wash. II 1b.)

Legislature must enact or reject proposed measure within four months. (Ohio II 1b.)

The legislature must enact or reject proposed measure within 40 days. (Cal. IV 1; Mich. V 1; Nev. XIX 3; N.D. II 2, (1914).)

Referendum on Measures Passed by Legislature

If any initiative measure shall be enacted by legislature it shall be subject to referendum petition. (Cal. IV 1; Me. IV Pt. III 18; Mich. IV 1; N.D. II 25 (1914); Wash. II 1a.)

If any initiative measure shall be enacted by legislature and approved by governor, it shall become a law, but it shall be subject to referendum petition. (Nev. XIX 3.)

If proposed law be passed by legislature either as petitioned for or in an amended form, it shall be subject to referendum. (Ohio II 1b.)

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INITIATIVE AND REFERENDUM *(Cont'd)*

INDIRECT INITIATIVE FOR LAWS *(Cont'd)*

Submission to Electors

If Vetoed by Governor

Any measure initiated by people and passed by legislature without change, if vetoed by governor and his veto is sustained by legislature, shall be referred to people to be voted on at next general election. (Me. IV Pt. III 19.)

Optional Submission by Legislature

Any initiative measure may be referred by legislature to people for approval or rejection. (N.D. II 25 (1914).)

Any initiative measure may be enacted and referred by the legislature to people for approval or rejection. (Wash. II 1a.)

Compulsory Submission by Legislature

Legislature shall submit proposed measure to electors. (S.D. III 1.)

Compulsory Submission by Secretary of State

If an initiated measure is rejected or no action taken upon it by legislature within time required, secretary of state shall submit it to people for approval or rejection. (Cal. IV 1; Me. Pt. III 18; Mich. V 1; Nev. XIX 3; N.D. II 25 (1914); Wash. II 1a.)

If proposed law shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months of time it is received by legislature, it shall be submitted by secretary of state to electors for their approval or rejection, if such submission shall be demanded by supplementary petition. (Ohio II 1b.)

Supplementary Petition Required

Number of signers not less than 3 per centum of electors in addition to those signing original petition; provided that petitions be filed from each one-half of the counties of state bearing signatures of not less than one-half of designated percentage of electors of such county. Petition to be filed within 90 days after proposed law shall have been rejected by legislature or after term of four months if no action has been taken on measure, or after law, as passed by legislature, shall have been filed by governor in office of secretary of state. Proposed law shall be submitted in form demanded by supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or both branches of legislature. Amended law passed by legislature shall not go into effect until and unless law proposed by supplementary petition shall have been rejected by electors. If law proposed by supplementary petition is approved, it shall be law and shall go into effect in lieu of any amended form of law which may have been passed by legislature. (Ohio II 1b, 1g.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

INDIRECT INITIATIVE FOR LAWS (*Cont'd*)

Submission to Electors (*Cont'd*)

Substitute Measure

Any initiative measure not enacted by legislature shall be submitted to electors together with any amended form, substitute or recommendation of legislature, and in such manner that people can choose between competing measures or reject both. (Me. IV Pt. III 18.)

Legislature may reject any measure proposed by initiative petition by a yea and nay vote and propose a different one dealing with same subject, and in such event both measures shall be submitted by secretary of state to people for approval or rejection. Submitted with proposed measure at next ensuing general election, or at a prior special election called by governor in his discretion for such purpose. (Cal. IV 1.)

Legislature may reject any measure proposed by initiative petition and propose a different one dealing with same subject, and in such event both measures shall be submitted by secretary of state to people for approval or rejection. (Wash. II 1a.)

Legislature may reject any measure proposed by initiative petition and propose a different one to accomplish same purpose upon separate roll calls and in such event both measures shall be submitted by secretary of state to people for approval or rejection. (Mich. V 1; N.D. 11 25 (1914).)

Legislature may reject any measure proposed with the approval of governor by initiative petition and propose a different one dealing with same subject, and in such event both measures shall be submitted by secretary of state to people for approval or rejection. (Nev. XIX 3.)

Submitted at time at which measure would have been submitted if legislature had not proposed a substitute. (Me. IV Pt. III 18.)

Submitted at next ensuing general election. (Mich. V 1; Nev. XIX 3.)

Time of

At next ensuing general election. (Cal. IV 1; Mich. V 1; Nev. XIX 3; Ohio II 1b.)

Legislature may order a special election on any measure that is subject to a vote of people; governor may, and if so requested in written petitions addressed to legislature, shall, by proclamation, order any measure proposed to legislature by initiative petition, and not enacted by legislature without change, referred to people at a special election to be held not less than five nor more than six months after such proclamation, otherwise said measure shall be voted upon at next general election held not less than 60 days after recess of legislature, to which such measure was proposed. (Me. IV Pt. III 18.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

INDIRECT INITIATIVE FOR LAWS (*Cont'd*)

Resubmission if Less Than Majority

When there are competing bills and neither receives a majority of votes given for or against both, one receiving most votes shall at next general election to be held not less than 60 days after first vote thereon, be submitted by itself if it receives more than one-third of votes given for and against both. (Me. IV Pt. III 18.)

Vote Necessary to Adopt Measure Submitted

A majority of all votes cast thereon. (Nev. XIX 3; N.D. II 25 (1914); Ohio II 1b.)

DIRECT INITIATIVE FOR CONSTITUTIONAL AMENDMENTS

For provisions relating to all forms of initiative, See above, this title, INITIATIVE.

Title of Petition

Petitions shall have printed across top in twelve-point black-face type, "Initiative Measure to be Submitted Directly to the Electors". (Cal. IV 1.)

Petition shall have printed or written at top such heading as shall be designated or prescribed by secretary of state. (Mich. XVII 2.)

Petitions shall have printed across top "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors". (Ohio II 1a.)

Enacting Clause

Be it resolved by the people of the state of. (Ohio II 1g.)

Contents of Petition

Every petition shall contain the full text of proposed amendment. (Mich. XVII 2.)

Form of Petition

The petition shall consist of sheets in such form as shall be prescribed by secretary of state. (Mich. XVII 2.)

Who May Sign Petitions

Qualified voters. (Mich. XVII 2.)

Manner of Signing Petition

In person only. (Mich. XVII 2.)

Information Required with Signature

Residence address and date of signing. (Mich. XVII 2.)

Affidavit Verifying Signatures

Electors circulating petition to state that each signature is genuine and that each person signing was at that time a qualified elector. Verified petition to be *prima facie* evidence that signatures are genuine and persons signing are qualified electors. (Mich. XVII 2.)

Number of Signers of Petition

Eight per centum of legal voters. (Cal. IV 1.)

Not less than 10 per cent. of legal voters. (Mich. XVII 2.)

Ten per centum of electors required; provided that petitions be filed from each of one-half of counties of state bearing signatures of not less than one-half of designated percentage of electors of such county. (Ohio II 1b, 1g.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

DIRECT INITIATIVE FOR CONSTITUTIONAL AMENDMENTS (*Cont'd*)

Number of Signers of Petition (*Cont'd*)

Not more than 10 per cent. of qualified voters. (Nev. XIX 3.)

Fifteen per cent. of legal voters. (Ariz. IV Pt. I 1(2), XXI 1; Okla. V 2.)

Fifteen per cent. of legal voters, so distributed as to include 5 per cent. of legal voters in each of two-fifths of counties of state. (Nebr. III 1A.)

At least 25 per cent. of legal voters in each of not less than one-half of counties of state. (N.D. XV 202 (2) (1914).)

Basis for Computing Number of Signers

Total votes cast for governor at regular election last preceding filing of any petition proposing an amendment. (Mich. XVII 2.)

Total votes for all candidates for governor at last preceding general election. (Ariz. XXI 1.)

Filing Petition

With secretary of state. (Ariz. XXI 1; Mich. XVII 2; N.D. XV 202 (2) (1914).)

Not less than 30 days before any regular session of legislature. (Nev. XIX 3.)

Not less than four months before election at which amendment is to be voted upon. (Mich. XVII 2.)

At least six months previous to a general election. (N.D. XV 202 (2) (1914).)

Examination of Signatures to Petition

Upon receipt of any petition, secretary of state shall canvass same to ascertain if it has been signed by requisite number of qualified voters. (Mich. XVII 2.)

Submission to Electors

Notice

Until method of publicity otherwise provided by law, published by secretary of state in one newspaper in each county for 90 days, in manner prescribed by law. (Ariz. XXI 1.)

Text of all amendments submitted to be published as constitutional amendments are published. "Published in full with any existing provisions of the constitution which would be altered or abrogated thereby", copy posted at each registration place. Printed in full on ballots. (Mich. XVII 2, 3.)

The proposed amendment or amendments shall be published as the legislature may provide for three months previous to the general election, and shall be placed upon the ballot at that election. (N.D. XV 202 (2) (1914).)

By Whom

Secretary of state. (Ariz. XXI 1; Mich. XVII 2.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

DIRECT INITIATIVE FOR CONSTITUTIONAL AMENDMENTS (*Cont'd*)

Submission to Electors (*Cont'd*)

Time of

At next general election, except when legislature calls special election for vote on amendment. (Ariz. XXI 1.)

At first regular election held not less than four months after filing of petition. (Nebr. III 1A.)

At next regular election at which any state officer is to be elected. (Mich. XVII 2.)

At next ensuing regular or general election occurring subsequent to 90 days after presentation of petition to secretary of state. (Ohio II 1a.)

At next succeeding general election occurring subsequent to 90 days after presentation of petition to secretary of state, or any special election called by governor, in his discretion, prior to such general election. (Cal. IV 1.)

Manner of Submission

When two or more amendments shall be submitted to voters at same election, they shall be so submitted that each amendment shall be voted on separately. (Ore. XVII 1.)

Conflicting Measures

If conflicting proposed amendments shall be approved at same election, one receiving highest number of affirmative votes shall be amendment to constitution. (Ohio II 1b.)

Vote Necessary to Adopt

A majority of those voting thereon. (Ariz. XXI 1; Mich. XVII 2; Nev. XIX 3; Ohio II 1b.)

A majority of votes cast at election. (Okla. V 3.)

A majority of all legal votes cast at a general election. (N.D. XV 202 (2) (1914).)

Determination of Result

Votes canvassed by secretary of state in presence of governor and, if requisite majority, governor to proclaim amendment adopted as part of constitution. (Ore. XVII 1.)

Time of Taking Effect

Thirty days after election at which it is approved. (Mich. XVII 2.)

From date of proclamation by governor that amendment has been adopted. (Ore. XVII 1.)

Submission to Legislature After Approval by Electors

Should any initiated amendment receive a majority of legal votes cast at a general election at which it is submitted, such amendment shall be referred to next legislature and should such proposed amendment be agreed upon by a majority of all members elected to each house, such amendment shall become a part of constitution. (N.D. XV 202 (2) (1914).)

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INITIATIVE AND REFERENDUM (*Cont'd*)

DIRECT INITIATIVE FOR CONSTITUTIONAL AMENDMENTS (*Cont'd*)

Resubmission to Electors After Rejection by Legislature

Any amendment proposed by initiated petition and receiving a majority of all votes cast at general election as herein provided, but failing to receive approval by following legislature to which it has been referred, shall again be submitted to people at next general election as at previous general election. Should such amendment receive a majority of all legal votes cast at such succeeding general election such amendment shall at once become a part of the constitution. (N.D. XV 202 (2) (1914).)

Interval Until Resubmission of Measure

Any amendment proposed by initiative petition and failing of adoption, shall not be again considered until expiration of six years. (N.D. XV 202 (2) (1914).)

Ordinary Process of Amendment Not to Conflict

The method of submitting and adopting amendments to the constitution provided by this section shall be supplementary to the method prescribed in the article of this constitution, entitled "Amendments", and latter shall in no case be construed to conflict herewith. (Nebr. III 1D.)

INDIRECT INITIATIVE FOR CONSTITUTIONAL AMENDMENTS

For provisions relating to all forms of initiative, See above, this title, INITIATIVE.

Established

But no special provisions in constitution for its operation. (Nev. XIX 3; Ohio II 1.)

Procedure

Apparently same as for indirect initiative for laws, although procedure for indirect initiative applies in terms to laws only. (Nev. XIX 3; Ohio II 1b.)

REFERENDUM

For provisions common to both initiative and referendum, See above, this title, PROVISIONS COMMON TO.

Local referendum, See below, this title, LOCAL INITIATIVE AND REFERENDUM.

For amendments to constitution referred by legislature to people, See AMENDMENT OR REVISION OF CONSTITUTION.

Defined

Power (reserved to people) at their own option to approve or reject at polls any act of legislature, except, etc. (Ark. V 1; Mich. V 1; Mo. IV 57; Mont. V 1; Okla. V 1; Ore. IV 1.)

Power (reserved to people) to approve or reject at polls any act, item, section, or part of bill, act or law passed by legislature except, etc. (Ariz. IV Pt. I 1 (1); Colo. V 1; Wash. II 1.)

Power (reserved to people) at their own option to adopt or reject at polls, independent of legislature, any act or section or part of any act passed by legislature. (Cal. IV 1.)

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INITIATIVE AND REFERENDUM (*Cont'd*)
REFERENDUM (*Cont'd*)
Defined (*Cont'd*)
Power (reserved to people) to approve or reject at polls any act or measure passed by legislature. (Ida. III 1.)
Power (reserved to people) at their own option to approve or reject at polls any act, bill, resolve or resolution passed by joint action of both branches of legislature, except, etc. (Me. IV Pt. I 1.)
Power (reserved to people) to approve or reject at polls any act, item, section or part of any act, passed by legislature, except, etc. (Nebr. III 1B; Nev. XIX 3.)
Power (reserved to people) to disapprove, suspend and annul laws enacted by legislature. (N.M. IV 1.)
Power (reserved to people) to order any act, item, or part of any act to be referred to people for their approval or rejection at polls, except, etc. (N.D. II 25, 1914.)
Power (reserved to people) to adopt or reject any law, section of any law, or any item in any law appropriating money passed by legislature, except as hereinafter provided. (Ohio II 1.)
Right (reserved to people) to require that laws which legislature may have enacted shall be submitted to vote of electors of state before going into effect. (S.D. III 1.)
Applicable to Part of a Law
People may demand referendum against one or more items, sections or parts of any act of legislature in same manner in which such power may be exercised against a complete act. (Mich. V 1; Okla. V 4; Ore. IV 1a; Wash. II 1b.)
To What Measures Applicable
Any except those specifically prohibited. (Ariz. IV Pt. I 1 (3); Ark. V 1; Colo. V 1; Me. IV Pt. III 16; Mich. V 1; Mo. IV 57; Mont. V 1; Nebr. III 1C; N.M. IV 1; N.D. II 25 (1914); Okla. V 2; Ore. IV 1; S.D. III 1; Utah IV 1 (2); Wash. II 1b.)
Any. (Cal. IV 1; Ida. III 1; Nev. XIX 1.)
Laws appropriating money, except, etc. (Ohio II 1c.)
To What Measures Not Applicable
Laws necessary for immediate preservation of public peace, health or safety. (Ariz. IV Pt. I 1 (3); Ark. V 1; Colo. V 1; Me. IV 57; Mont. V 1; N.M. IV 1; N.D. II 25 (1914); Ohio II 1d; Okla. V 2; Ore. IV 1; S.D. VII 1; Wash. II 1b.)
Local and special laws which the legislature cannot enact. (Mont. V 1; N.M. IV 1.)
Laws for support of state government. (Ariz. IV Pt. I 1 (3); Mo. IV 57; Nebr. III 1C; Ohio II 1d; S.D. III 1; Wash. II 1b.)
Laws for support of state institutions. (Ariz. IV Pt. I 1 (3); Colo. V 1; Mich. V 1; Mo. IV 57; N.M. IV 1; Ohio II 1d.)
Laws for support of existing public institutions. (Nebr. III 1C; S.D. III 1; Wash. II 1b.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

REFERENDUM (*Cont'd*)

To What Measures Not Applicable (*Cont'd*)

Laws for support of public schools. (Mo. IV 57; N.M. IV 1.)

Appropriation laws. (Mont. V 1.)

General appropriation laws. (N.M. IV 1.)

Appropriation laws to meet deficiencies in state funds. (Mich. V 1.)

Appropriation laws for department of state. (Colo. V 1.)

Laws providing for tax levies. (Ohio II 1c, 1d.)

Laws for payment of public debt or interest thereon, or creation or funding of same, except as in constitution otherwise provided. (N.M. IV 1.)

Laws passed by a two-thirds vote of members elected to each house of the legislature. (Utah VI 1 (2).)

Such orders or resolutions as pertain solely to facilitating performance of business of legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for payment of salaries fixed by law, or emergency measures. (Me. IV Pt. III 16, 17.)

When Measures Passed by Legislature Become Effective

No act shall take effect until 60 days after adjournment of session at which it was passed, unless legislature by vote of two-thirds of all members elected to each house shall otherwise direct. (Utah VI 25.)

No act, law or bill subject to referendum shall take effect until 90 days after adjournment of session at which enacted. (Ariz. IV Pt. I 1 (3); Wash. II 1c.)

No act shall take effect until 90 days from end of session at which same shall have been passed, except in case of emergency. (Ore. IV 28; S.D. III 22.)

No act shall take effect until 90 days after adjournment of session at which it was passed, except enactments for carrying into effect provisions relating to initiative and referendum, or a general appropriation bill, unless in case of emergency. (Okla. V 58.)

No law except general appropriation act shall take effect or go into force until 90 days after adjournment of session at which it was enacted, unless in case of emergency. (Mo. IV 36; N.M. IV 23.)

No act passed by legislature shall go into effect until 90 days after final adjournment of session of legislature which passed such act, except such acts making appropriation and such acts immediately necessary for preservation of public peace, health or safety, as have been given immediate effect by action of legislature. (Mich. V 1.)

No law passed by legislature shall go into effect until 90 days after it shall have been filed by governor in office of secretary of state, except laws providing for tax levies, appropriations for current expenses of state government and state

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INITIATIVE AND REFERENDUM (*Cont'd*)

REFERENDUM (*Cont'd*)

When Measures Passed by Legislature Become Effective (*Cont'd*)

institutions; and emergency laws necessary for immediate preservation of public peace, health, or safety, which shall go into immediate effect. (Ohio II 1e, 1d.)

No act passed by legislature shall go into effect until 90 days after final adjournment of session of legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for usual current expenses of state, and urgency measures necessary for immediate preservation of public peace, health, or safety, passed by two-thirds vote of all members elected to each house. (Cal. IV 1.)

No act or joint resolution of legislature, except such orders or resolutions as pertain solely to facilitating performance of business of legislature, of either branch or of any committee or office thereof, or appropriate money therefor or for payment of salaries fixed by law, shall take effect until 90 days after recess of legislature passing it, unless in case of emergency (which with facts constituting emergency, shall be expressed in preamble of act) legislature shall, by vote of two-thirds of all members elected to each house, otherwise direct. (Me. IV Pt. III 16.)

No act shall take effect until three calendar months from end of session at which same shall have been passed, except in case of emergency. (Nebr. III 24.)

Emergency Measures

Defined

Any act so declared. (Mo. IV 36.)

Acts making appropriations. (Mich. V 1.)

Measures for support of state government and state institutions. (Ariz. IV Pt. I 1 (3); S.D. III 1.)

Measures immediately necessary for preservation of public peace, health or safety. (Ariz. IV Pt. I 1 (3); Mich. V 1; Nebr. III 1C; N.M. IV 23; Ohio II 1d; S.D. III 1.)

Any law necessary for immediate preservation of public peace, health or safety, provided, however, that no measure creating or abolishing any office or changing salary, term or duties of any officer, or granting any franchise or special privilege, shall be construed to be an emergency measure. (Cal. IV 1.)

Such measures as are immediately necessary for preservation of public peace, health or safety; but shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or license to a corporation or an individual to extend longer than one year, or (3) provisions for sale or purchase or renting for more than five years of real estate. (Me. IV Pt. III 16.)

Only such measures as are immediately necessary for preservation of public peace, health or safety, and shall not

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INITIATIVE AND REFERENDUM (*Cont'd*)

REFERENDUM (*Cont'd*)

Emergency Measures (*Cont'd*)

Defined (*Cont'd*)

include granting of franchises or license to a corporation or individual, to extend longer than one year, nor provisions for purchase, or sale of real estate, nor renting or encumbrance of real property for a longer term than one year. (Okla. V 58.)

Emergency to be Stated

In act. (Okla. V 58.)

In preamble or in body of the law. (Mo. IV 36; Nebr. III 24; Ore. IV 28; S.D. III 22.)

With facts constituting it, in preamble of act. (Me. IV Pt. III 16.)

In separate section. (N.M. IV 23.)

Any facts creating same, in one section of bill. (N.D. II 25 (1914).)

In one section of act, which shall be passed only upon a yea and nay vote, upon a separate roll call thereon. (Cal. IV 1; Ohio II 1d.)

Manner of Passing

By a two-thirds vote of all members elected to each house. (Cal. IV 1; Me. IV Pt. III 16; Nebr. III 24; N.M. IV 23; Ohio II 1d; S.D. III 22.)

By a two-thirds vote of all members elected to each house, to be taken by yeas and nays and entered upon journal. (Mo. IV 36.)

Upon aye and no vote in each house, if two-thirds of members elected to each house shall vote on a separate roll-call in favor of law going into instant operation. (N.D. II 25 (1914).)

Upon aye and no vote in each house, if two-thirds of members elected to each house shall vote on a separate roll-call in favor of law going into instant operation. And in case of veto by governor, upon approval of three-fourths of members elected to each house, taken by roll call of ayes and nays. (Ariz. IV Pt. I 1 (3).)

By two-thirds vote of all members elected to each house and in case of a veto by governor, then by three-fourths vote of each house to be duly entered on journal. (Okla. V 58.)

By action of legislature. (Mich. V 1.)

Time of Taking Effect

Immediately. (Cal. IV 1; Mich. V 1; Ohio II 1d; Ore. IV 28; Wash. II 1.)

Immediately upon approval by governor. (N.M. IV 23; N.D. II 25 (1914).)

Immediately upon approval by governor or upon passage over his veto by a three-fourths vote. (Ariz. IV Pt. I 1 (3).)

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INITIATIVE AND REFERENDUM (*Cont'd*)
REFERENDUM (*Cont'd*)
Emergency Measures (*Cont'd*)
Time of Taking Effect (*Cont'd*)
At such time as legislature shall direct, upon approval by governor, or after passage over his veto, by a three-fourths vote of each house. (Okla. V 58.)
When legislature directs. (Me. IV Pt. III 16; Mo. IV 36; Nebr. III 24; S.D. III 22.)
Length of Time Effective
Until rejected by voters or repealed by legislature. (Nebr. III 1C.)
May Be Ordered by Legislature
General provisions. (Colo. V 1.)
If a majority of members elect vote therefor. (N.D. II 25 (1914).)
As other bills are enacted. (Ark. V 1; Mo. IV 57; Mont. V 1; Okla. V 12; Ore. IV 1; Wash. II 1b.)
Legislature may enact measures expressly conditional upon people's ratification by a referendum vote. (Me. IV Pt. III 19.)
Except upon laws immediately necessary for preservation of public peace, health or safety or for support and maintenance of departments of state government and of state institutions. (Ariz. IV Pt. I 1 (3).)
To Whom Petition Addressed
To governor of state. (Me. IV Pt. III 17.)
Manner of Signing Petition
Persons who cannot write, may sign with their mark. (N.M. IV 1.)
Number of Signers of Petition
Five per centum of the legal voters. (Ariz. IV Pt. I 1 (3); Cal. IV 1; Colo. V 1; Mich. V 1; Okla. V 2; Ore. IV 1.)
Five per centum of legal voters, in each of at least two-thirds of congressional districts in state. (Mo. IV 57.)
Five per centum of legal voters, provided that two-fifths of whole number of counties of state must each furnish as signers 5 per cent. of legal voters in such county. (Mont. V 1.)
Not more than 5 per centum of legal voters. (S.D. III 1.)
Six per centum, but in no case more than 30,000 of legal voters. (Wash. II 1b.)
Six per cent. of electors; provided that petitions be filed from each of one-half of counties of state, bearing signatures of not less than one-half of designated percentage of electors of such county. (Ohio II 1c, 1g.)
Ten per centum of voters of state. (Nev. XIX 1.)
Ten per cent. of legal voters of state from a majority of counties. (N.D. II 25 (1914).)
Ten per centum of voters of state, so distributed as to include 5 per cent. of legal voters in each of two-fifths of counties of state. (Nebr. III 1B.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

REFERENDUM (*Cont'd*)

Number of Signers of Petition (*Cont'd*)

Not less than 10 per centum of qualified electors of each of three-fourths of counties and in aggregate by not less than 10 per centum of qualified electors of the state. (N.M. IV 1.)

Not less than 10,000 electors. (Me. IV Pt. III 17.)

Fraud in Signing Petition

Felony for any person to sign petition with any other name than his own, or to sign his name more than once for same measure, or to sign a petition if not a qualified voter in county, specified in petition; provided that this shall not be construed to prohibit the writing on a petition of name of any person who cannot write, and who signs same with his mark. (N.M. IV 1.)

Filing Petition

Filed with secretary of state. (Me. IV Pt. III 17; N.M. IV 1.)

Within 90 days after recess of legislature. (Me. IV Pt. III 17.)

Not more than 90 days after final adjournment of session of legislature, which passed measure on which referendum is demanded. (Ariz. IV Pt. I 1 (4); Ark. V 1; Cal. IV 1; Colo. V 1; Mich. V 1; Mo. IV 57; N.D. II 25 (1914); Okla. V 3; Ore. IV 1; Wash. II 1d.)

Within 90 days after legislature enacting same adjourns *sine die* or for period longer than 90 days. (Nebr. III 1B.)

Within 90 days after law shall have been filed by governor in office of secretary of state. (Ohio II 1c.)

Not less than four months prior to next general election. (N.M. IV 1.)

Not later than six months after final adjournment of session of legislature which passed bill on which referendum is demanded. (Mont. V 1.)

Suspension of Operation of Referred Measure

By ordinary petition pending approval of voters. (Ariz. IV Pt. I 1(5); Ark. V 1; Colo. V 1; Me. IV Pt. III 17; Mich. V 1; Mo. IV 57; N.D. II 25 (1914); Ohio II 1c; Okla. V 3; Ore. IV 1; S.D. III 1; Utah VI 1(2); Wash. II 1d.)

Same; provided that emergency acts or acts for immediate preservation of public peace, health or safety shall continue in effect until rejected by voters or repealed by legislature. (Cal. IV 1; Nebr. III 1C.)

By extraordinary petition signed by 15 per cent. of legal voters of majority of whole number of counties. (Mont. V 1.)

By extraordinary petition signed by not less than 25 per centum of qualified electors under each of conditions necessary for filing of an ordinary petition, if filed within 90 days after adjournment of session of legislature which passed law. (N.M IV 1.)

Only after rejection by voters. (Nev. XIX 2.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

REFERENDUM (*Cont'd*)

Application to Part of Measure

Filing of referendum petition against one or more items, sections, or parts of an act shall not delay remainder of that act from becoming operative. (Ariz. IV Pt. I 1(4); Cal. IV 1; Colo. V 1; Nebr. III 1C; N.D. II 25 (1914); Ohio II 1c; Okla. V 4; Ore. IV 1a; Wash. II 1d.)

Proclamation by Governor

As soon as it appears that effect of any act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, governor, by public proclamation, shall give notice and of time when such measure is to be voted on by people. (Me. IV Pt. III 17.)

Submission to Electors

At next general election. (N.M. IV 1.)

At next succeeding general election occurring at any time subsequent to 30 days after filing of petition. (Nebr. III 1B.)

At next succeeding general election occurring at any time subsequent to 30 days after filing of petition, or at any special election which may be called by governor in his discretion, prior to such regular election. (Cal. IV 1.)

At next succeeding regular or general election in any year occurring subsequent to 60 days after filing petition. (Ohio II 1c.)

At next general election not less than 60 days after governor's proclamation, or in case of no general election in six months thereafter, governor may, and if so requested in said written petition therefor, shall order such measure submitted to people at special election not less than four nor more than six months after his proclamation thereof. (Me. IV Pt. III 17.)

At next ensuing election wherein state or congressional officer is to be voted for, or wherein any question may be voted on by electors of entire state. (Nev. XIX 1.)

Vote Necessary to Adoption

Majority of votes cast thereon. (Nebr. III 1D; N.D. II 25 (1914); Okla. V 3.)

Majority of electors voting at state election. (Nev. XIX 3.)

Measure shall be rejected if majority of legal votes cast thereon, and not less than 40 per cent. of total number of legal votes cast at election be cast for its rejection. (N.M. IV 1.)

Effect of Rejection of Measure by Electors

If electors reject referred law it shall be annulled and thereby repealed with same effect as if legislature had then repealed it, and such repeal shall revive any law repealed by act so annulled. (N.M. IV 1.)

To Take Effect

Upon publication of certificate of secretary of state declaring result of vote thereon. (N.M. IV 1.)

Thirty days after governor shall have announced by proclamation that same was ratified. (Me. IV Pt. III 17.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

REFERENDUM (*Cont'd*)

Amendment and Repeal of Adopted Measure

Acts and laws accepted by people under referendum may be amended by legislature at any subsequent session thereof. (Cal. IV 1; Mich. V 1.)

Whenever referred law or resolution shall be adopted by electors it shall stand as law of state, and shall not be overruled, annulled, set aside, suspended or in any way made inoperative, except by direct vote of people. (Nev. XIX 2.)

Legislature to Make Provisions

Legislature shall enact laws necessary for effective exercise of referendum power. (N.M. IV 1.)

LOCAL INITIATIVE AND REFERENDUM

Reserved

To legal voters of any legal subdivision of state. (Utah VI 1(2).)

To qualified electors of every incorporated city, town and county. (Ariz. IV Pt. I 1(8).)

To electors of each county, city and county, city and town of state. (Cal. IV 1.)

To qualified electors of each county, municipality and district. (Ore. IV 1a.)

To people of each municipality and each county. (Ark. V 1; Nev. XIX 3.)

To legal voters of every county and district therein. (Okla V 5.)

To legal voters of every city, town and municipality. (Colo. V 1.)

City council of any city may establish for electors of such city in regard to its municipal affairs, provided that ordinance establishing and providing method of exercising shall not take effect until ratified by vote of a majority of electors of such city voting thereon at a municipal election. (Me. IV Pt. III 21.)

To people of each municipality. (Ohio II 1f; S.D. III 1.)

To people of every municipal corporation now existing or hereafter created within state. (Okla. XVIII 4a.)

To What Measures Applicable

Laws and amendments to constitution. (Constitutional provision is so worded as to give voters of municipalities and counties exactly same powers as are reserved to people of state, although this was doubtless not intention of framers.) (Ark. V 1.)

All local, special and municipal legislation of every character. (Colo. V 1; Nev. XIX 3; Ore. IV 1a.)

All legislative authority which municipal corporation may exercise and amendments to charters for its own government in accordance with provisions of constitution. (Okla. XVIII 4a.)

Any desired legislation and any law or ordinance passed by law-making body. (Utah VI 1(2).)

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INITIATIVE AND REFERENDUM (*Cont'd*)

LOCAL INITIATIVE AND REFERENDUM (*Cont'd*)

To What Measures Applicable (*Cont'd*)

All local legislation or action in administration of local government. (Okla. V 5.)

All local matters on which local governments are or shall be empowered by general laws to legislate. (Ariz. IV Pt. I 1(8).)

All questions which municipalities may now or hereafter be authorized by law to control. (Ohio II 1f.)

On Franchises, *See* MUNICIPALITIES — PUBLIC UTILITIES.

To Whom Petition Addressed

To clerk of board of supervisors, city clerk or corresponding officer. (Ariz. IV Pt. I 1 (9).)

Number of Signers of Petition

Provided by law. (Utah VI 1(2).)

Not more than 10 per cent. of qualified electors for referendum, or more than 15 per cent. for initiative. (Ariz. IV Pt. I 1(8); Colo. V 1; Nev. XIX 3; Ore. IV 1a.)

Not more than 10 per cent. of qualified electors for referendum, or more than 15 per cent. for initiative. Other percentages may, however, be fixed "by law". (Cal. IV 1.)

Twice or double the ratio to whole number of legal voters in such county or district as provided therefor in state at large. (Okla. V 5.)

Every petition for either initiative or referendum in government of municipal corporation to be signed by number of qualified electors residing within territorial limits of corporation, equal to 25 per centum of total number of votes cast at next preceding election. (Okla. XVIII 4b.)

Basis for Computing Number of Signers

Until provided by general law, cities and towns may prescribe basis on which percentage shall be computed. (Ariz. IV Pt. I 1(8).)

Filing Petition

Petition for initiative or referendum in government of municipal corporation to be filed with chief executive officer of municipal corporation. (Okla. XVIII 4b.)

Procedure

Shall be provided by law. Until otherwise provided by law legislative body of any county, city and county, city or town, may provide for manner of exercising initiative and referendum powers reserved. (Cal. IV 1.)

Shall be prescribed by general laws, except that cities and towns may provide for manner of exercising initiative and referendum powers as to their municipal legislation. (Colo. V 1; Ore. IV 1a.)

To be prescribed by general laws except that boards of county commissioners may provide for time of exercising initiative and referendum powers as to local legislation in their respective counties and districts. (Okla. V 5.)

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INITIATIVE AND REFERENDUM (*Cont'd*)

LOCAL INITIATIVE AND REFERENDUM (*Cont'd*)

Procedure (*Cont'd*)

To be established by municipal ordinance, provided, however, that legislature may at any time provide a uniform method. (Me. IV Pt. III 21.)

Cities, towns and counties may prescribe, within restrictions of general laws. (Ariz. IV Pt. I 1(8).)

Not to Interfere With Home Rule

Nothing contained in this section (establishing local initiative and referendum) shall be construed as affecting or limiting present or future powers of cities or cities and counties having charters adopted under the provisions of section 8 of article XI of this constitution (granting home rule to certain cities). (Cal. IV 1.)

Submission to Electors

To be provided for by law. (Nev. XIX 3; Ohio II 1f; Utah VI 1(2).)

When petition demands enactment of ordinance or legal act other than grant, extension, or renewal of franchise, chief executive officer shall present same to legislative body of municipal corporation at its next meeting; unless petition be granted more than 30 days before next election at which any city officers are elected, chief executive to submit to qualified electors at that election; if majority of electors voting thereon, vote in favor, to become in full force and effect. When petition demands referendum vote upon ordinance or legal act other than grant, extension or renewal of franchise, chief executive to submit same to qualified electors at next succeeding general municipal election; if majority of electors voting thereon do not vote for same, to thereupon stand repealed. When petition demands amendment to charter, chief executive to submit same to qualified electors at next election of any officers of corporation; if majority of electors, voting thereon, vote for amendment, same to become amendment to and part of charter when approved by governor and filed in same manner and form as is required in case of original charter. (Okla. XVIII 4c, d, e.)

To be governed by general laws of state, except as otherwise provided in constitution. (Cal. IV 1.)

Special Application

Each county may by a majority of legal voters of such county voting upon proposition, abolish township organization or government. Board of county commissioners upon petition signed by 16 per centum of total number of votes cast at last general election for county office receiving highest number of votes, shall within 30 days after a regular meeting of board next convening after filing of petition, call a special election for such purpose, or board may in their discretion submit question at next general election held after filing of

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INITIATIVE AND REFERENDUM (*Cont'd*)
LOCAL INITIATIVE AND REFERENDUM (*Cont'd*)
Special Application (*Cont'd*)
such petition, if carried township organization or government shall cease in such county and all duties theretofore performed by township officers shall be performed by county officers having like duties to perform in relation to county at large as such township officers performed in relation to township at large. At any general election after abolition of township organization or government question of returning to township government may be submitted as provided for submission of question of abolishing such government, "if a majority of votes cast be in favor of township government same shall thereupon be established, and board of county commissioners shall appoint full quota of township officers who shall hold offices and perform duties until their successors shall have been elected at next general election and until they shall have qualified. Except as otherwise specifically provided by this section, law relating to carrying into effect initiative and referendum provisions of constitution shall govern". (Okla. V 5a.)

INJURIES
See also LIFE, LIBERTY AND PROPERTY.
See also ADMINISTRATION OF JUSTICE.
To person, *See* PERSONAL INJURIES.
To property, *See* PROPERTY.
To reputation, *See* LIBEL AND SLANDER.
Death, *See* DEATH.
Injury to rights to be adequately redressed by due process of law. (La. 6.)
Injury to immunities to be redressed by due course of law. (Me. I 19.)
Right of action to recover damages for injuries shall never be abrogated and amount recovered not to be subject to statutory limitation. (Ariz. XVIII 6.)
Defense of contributory negligence or of assumption of risk in all cases whatever to be question of fact for jury. (Ariz. XVIII 5; Okla. XXIII 6.)

INSANE PERSONS
See CHARITIES.
See ELECTIONS.
See JURIES.
See PERSONS UNDER LEGAL DISABILITY.
See PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS.

INSPECTION
Offices for weighing, gauging, measuring, culling or inspecting any commodity, abolished; no such office to be created; this section not to abrogate or to prevent creation of any office created to protect public health, state property, revenue, tolls or purchases, or to supply people correct standards of weights and measures. (N.Y. V 8.)

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INSPECTION (*Cont'd*)

No state office to be created for inspection or measuring of any merchandise, manufacture or commodity, but legislature may authorize county or municipality to appoint. (Ala. IV 77; Pa. III 27.)

Legislature may by general and uniform laws provide for inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for appointment of necessary officers. (Cal. XI 14.)

Legislature to pass laws for inspection of grain, for the protection of producers, shippers and receivers of grain and produce. (Ill. XIII 7.)

Legislature to enact laws for inspection of grain, tobacco and other produce for the protection of producers, shippers and receivers of grain, tobacco and other produce. (Ky. 206.)

INSTRUMENTS

For instruments relating to property only, See PROPERTY.

For instruments relating to decedents' estates only, See DECEDENTS' ESTATES.

Legislature may, by general law, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects and errors, in instruments and proceedings, arising out of their want of conformity with laws of state. (Ohio II 28.)

Invalid instruments not to be given effect by local, private or special law. (Ala. IV 104; Cal. IV 25; Ida. III 19; Ky. 59; Nev. IV 20; Wash. II 28.)

Informal or invalid instrument not to be given effect by local or special law. (N.M. IV 24.)

County courts, through their clerks to have custody of deeds and other papers presented for record in counties, to be preserved therein or otherwise disposed of as prescribed by law. (W.Va. VIII 24.)

INSURANCE

For provisions relating to all corporations, See CORPORATIONS.

ADMINISTRATION

Insurance department established and charged with execution of laws in relation to insurance and insurance companies doing business in state. (Okla. VI 22.)

Corporation commission may have a subordinate division or bureau of insurance. (Va. XII 155.)

Legislature may provide for creation of commissioner of insurance, statistics and history, whose term of office, duties and salary to be prescribed by law. (Tex. XVI 38.)

Insurance commissioner elected by qualified voters at general election; term of office four years. Ineligible to office of secretary of state, attorney-general, treasurer, auditor, prothonotary, clerk of the peace, register of wills, recorder, sheriff or coroner. (Del. III 21, 11.)

Commissioner of insurance elected by qualified electors at same times and places as members of legislature; 25 years old, citizen of United States and same qualifications as state electors; to hold office at seat of government for two years and until successor qualified. (N.D. III 82.)

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INSURANCE (*Cont'd*)

ADMINISTRATION (*Cont'd*)

Powers and duties of commissioner of insurance prescribed by law. (N.D. III 83.)

Salary of commissioner of insurance fixed at $2,000 until otherwise provided by law; not to be increased or diminished during period for which elected, and fees and profits to be covered into treasury. (N.D. III 84.)

Insurance commissioner elected by qualified electors at first general election as chief officer of insurance department. Term of office four years, to be 25 years of age and versed in insurance matters; to give bond, perform duties and possess qualifications prescribed by law. (Okla. VI 22; 24.)

Commissioner of insurance to keep office and public records at seat of government and perform duties designated in constitution or prescribed by law. (Okla. VI 1.)

Compensation of insurance commissioner fixed at $2,500 until otherwise provided by law; not to be increased or diminished during term for which elected and not to receive to own use fees, costs or perquisites of office or other compensation; fees collected paid to treasurer monthly. (Okla. VI 34, XIX 4, Sched. 15.)

Records, books and files liable to "full visitorial and inquisitorial powers of the state". (Ariz. XIV 16.)

CREATION OF COMPANIES

Corporate powers and privileges issued and granted by secretary of state, as prescribed by law, or by other person named by law if he is disqualified. (Ga. III Sec. VII 18.)

Legislature shall not pass local or special laws chartering insurance companies. (Mont. V 26; N.M. IV 24; Wyo. III 27.)

FIRE INSURANCE COMPANIES

Legislature to compel deposit of "reasonable securities" with state treasurer to secure people against loss. (Ga. III Sec. XII 4.)

FOREIGN INSURANCE COMPANIES

Not to do business until collateral or indemnity required to protect patrons within state has been deposited and agreement made to pay taxes and fees. (Okla. XIX 1.)

Refusal to pay taxes or fees forfeits license. (Okla. XIX 1.)

Foreign life insurance companies must deposit with state comptroller-general, or have deposited with proper officer in own state, $100,000 in securities equivalent to cash as guarantee fund for policy holders; on proper certification and payment of fees may then be licensed to do business. (Ga. III Sec. XII 1, 2.)

Required to pay certain fees enumerated for various kinds of companies. (Okla. XIX 2.)

LIFE INSURANCE

Husband may insure his own life for sole use and benefit of his wife and children, and in case of death of husband, amount thus insured to be paid over to wife and children, or to guardian, if under age, for her, or their own use free from all claims of representatives of her husband, or any of his creditors. (N.C. X 7.)

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INSURANCE (*Cont'd*)

LIFE INSURANCE COMPANIES

Must deposit with state comptroller-general, or have deposited with proper officer in own state, $100,000 in securities equivalent to cash as guarantee fund for policy holders; on proper certification and payment of fees may then be licensed to do business. (Ga. III Sec. XII 1, 2.)

Resident life insurance companies must deposit with comptroller-general or "strong corporation" approved by him $100,000 in securities equivalent to cash as guarantee fund for policy holders; any interest on said securities payable to companies; provision made for exchange of securities. (Ga. III Sec. XII 3.)

PUBLIC BUILDINGS OR PROPERTY

May be insured in mutual associations or companies. (Ohio VIII 6.)

RATES

Laws may be passed to regulate rates of all domestic or foreign companies. (Ohio VIII 6.)

REPORTS OF COMPANIES

Semi-annual reports to governor to be required by legislature and to be printed at companies' expense, for information and protection of people. (Ga. III Sec. XII 5.)

STOCKHOLDERS' LIABILITY

Individually liable, equally and ratably, to extent of par value of shares, in addition to amount invested therein, for all contracts, debts and engagements. (Ariz. XIV 11.)

Individually and personally, equally and ratably, and not one for another, liable for all contracts, debts and engagements accruing while stockholder, to amount of stock at par in addition to amount invested. (Wash. XII 11.)

TAX EXEMPT COMPANIES

State to provide for certain farm, trades, fraternal, health, life, accident and mutual companies, which are to be exempt from taxation. (Okla. XIX 3.)

TAXATION, *See* TAXATION.

WORKMEN'S COMPENSATION INSURANCE, *See* WORKMEN'S COMPENSATION.

INTEREST

Legislature to fix rate to be equal and uniform throughout state, but may provide for "conventional rate" not exceeding 10 per cent. (Tenn. XI 7.)

Legal rate to be 6 per cent., unless legislature otherwise provides. (Md. III 57.)

Contracts for greater rate of interest than 10 per cent. to be void as to principal and interest, and legislature shall prohibit same by law, but when no rate of interest is agreed upon, rate to be 6 per cent. (Ark. XIX 13.)

When no rate agreed on, rate not to exceed 6 per cent.; contracts for greater rate than 10 per cent. to be deemed usurious and first legislature to provide penalties. (Tex. XVI 11.)

When no rate agreed on, rate not to exceed 6 per cent., but by contract parties may agree upon rate not to exceed 10 per cent.; legislature

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INTEREST (*Cont'd*)

may reduce these rates; knowingly taking or charging a greater rate to be forfeiture of entire interest and if greater rate paid there may be recovered twice the amount so paid if action brought within two years after maturity of contract but legislature may modify this rule. (Okla. XIV 2, 3.)

Banks not to receive, directly or indirectly, greater rate than allowed to individuals loaning money. (Ala. XIII 252; Ind. XI 9.)

Rate not to be regulated by local, private or special law. (Ala. IV 104; Ariz. IV 19; Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Ind. IV 22; Ky. 59; La. 48; Minn. IV 33; Miss. IV 90; Mo. IV 53; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; Ore. IV 23; Pa. III 7; Tex. III 56; Utah VI 26; Va. IV 63; Wash. II 28; W. Va. VI 39; Wyo. III 27.)

Rate not to be regulated by private or local law, unless bill or amendment reported by commissioners to revise statutes. (N.Y. III 18, 23.)

INTERNAL IMPROVEMENTS

In this title are digested provisions relating to internal improvements and public works in general; for provisions relating to particular forms of internal improvements or public works, See the specific titles.

BOARD OF PUBLIC WORKS

Members are governor, comptroller of the treasury and treasurer. To keep a journal of proceedings and hold regular sessions at Annapolis first Wednesday in June, April, July and October of each year and oftener if necessary; to hear and determine matters affecting public works and as legislature may give them power to decide; to receive no additional salary. To supervise all public works in which state is interested; appoint state's directors in railroads and canal companies; detailed provisions as to protection of public interest by directors of these public works. (Md. XII 1, 2.)

SUPERINTENDENT OF PUBLIC WORKS

Appointed by governor for one year; powers and duties now exercised by board of public works and such others as may be provided by law. To continue as long as the state has public works which require superintendence. (Ohio VIII 12.)

BONDS FOR, *See* STATE DEBT — PURPOSE — INTERNAL IMPROVEMENT.

CORPORATIONS FOR

Creation by local or special law forbidden. (Tex. III 56.)

DISTRICTS

In this subhead are digested provisions relating particularly to internal improvement districts; for districts in general, See DISTRICTS.

Legislature to have power to create improvement. (Okla. XVI 1.)

Debts, under territory, of improvement districts to remain valid and unaffected until paid or refunded according to law. (N.M. XXII 12.)

EMINENT DOMAIN FOR, *See* EMINENT DOMAIN.

ENCOURAGEMENT

Legislature ought to encourage a well-regulated system of internal improvements. (Tenn. XI 11.)

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INTERNAL IMPROVEMENTS (*Cont'd*)

INCOME OF

Net income to be used for general expenses of government, surplus added to treasury surplus applied to the principal of the public debt. (Ind. X 2.)

INTERNAL IMPROVEMENT FUNDS

All lands donated to state of Minnesota for internal improvement by act of Congress of 1841, shall be appraised and sold in same manner, by same officers, and at minimum price provided by law for school lands, sale price to be invested in bonds of the United States or state of Minnesota issued since 1860. Money received by county treasurers from such sales to be held subject to order and direction of state treasurer for benefit of fund; to be paid over the 15th of June annually and at such other times as requested by state treasurer. Bonds bought under this section transferable only on order of governor and indorsed Minnesota internal improvement land fund of the state, transferable only on order of governor. Sale price not to be reduced by charges of costs of officers, fees or any other means whatever. Money of fund not to be appropriated for any purpose till law appropriating approved by majority of electors voting an annual general election following its passage. Force of this amendment (section) shall be to authorize sale of internal improvement lands without further legislative enactment. (Minn. IV 32.)

LAWS RELATING TO

Laws relating to public buildings and improvements excepted from provision that no laws be enacted to take effect on approval of any authority other than legislature. (Ky. 60.)

LIMITATIONS ON STATE

State shall not construct any railroad or other highway. (Ky. 177.)

State shall not become interested in or a party to any work of, except public roads, or engage in carrying on any such work. (Va. XIII 185.)

State shall never be a party to carrying on any works of. (Kan. XI 8.)

State shall not engage in. (S.D. XIII 1.)

Not engage in works of internal improvement or lend money or credit in aid of such. (Ala. IV 93.)

State shall not engage in any work of, unless authorized by two-thirds vote of the people. (N.D. XII 185; Wyo. XVI 6.)

State shall not be involved in construction of works of, nor in granting aid therefor, except a limited amount in certain counties. (Md. III 34.)

State shall not be a party to or interested in any work of, nor engage in carrying on such work except improvement of or aid in improvement of public wagon roads, reforestation and protection of state lands and expenditure of grants to state of lands or other property. (Mich. X 14.)

State shall never contract debt for or be a party in carrying on works of, except where property has been granted the state expressly for particular works, state may use avails of grants and revenues from works for their completion. (Minn. IX 5; Wis. VIII 10.)

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INTERNAL IMPROVEMENTS (*Cont'd*)

SALE OF

Proceeds of to be used for general expenses of government, surplus added to treasury surplus applied to the principal of the public debt. (Ind. X 2.)

Board of public works, subject to regulations and conditions prescribed by legislature, may sell state's interest in works of internal improvement and receive in payment bonds and registered debt owing by state "equal in amount to price obtained for state's interest". (Md. XII 3.)

STATE AID TO

Legislature may give public lands as provided by law for construction of sea walls and breakwaters. (Tex. XI 8.)

INTOXICATING LIQUORS, *See* LIQUORS.

IRRIGATION

See also "DITCHES", "EMINENT DOMAIN", "WATERS".

IN GENERAL

Legislature to provide system of when deemed expedient; for compulsory issuance of bonds by owners or lessees of lands benefited or affected under system provided for by legislature; a system of taxation on lands benefited or on crops produced on such land to discharge bonded indebtedness or expenses necessarily incurred in establishment of improvement. (Okla. XVI 3.)

All companies furnishing water for to be deemed public service corporations and under control of corporation commission. (Ariz. XV 2.)

Land "needed for irrigation works on United States project", to be relinquished to United States and other lands selected. (Ariz. X 5.)

United States to have right and power needed to carry out act of Congress for irrigation of arid lands. (Ariz. XX 10; N.M. XXI 7.)

IRRIGATION DISTRICTS

In this title are digested provisions relating particularly to irrigation districts; for provisions relating to districts in general, See DISTRICTS.

Legislature to have power to provide for supervision, regulation and conduct of the affairs of irrigation districts organized and existing under any law of this state. (Cal. XI 13.)

District bonds and interest thereon may be made payable at any place or places within or outside United States and in any money, domestic or foreign, designated in said bonds. (Cal. XI 13½.)

Irrigation districts may acquire stock of foreign corporation, to gain control of international water system necessary for its operation. (Cal. IV 31.)

Debts, under territory, of irrigation districts to remain valid and unaffected until paid or refunded according to law. (N.M. XXII 12.)

Any district may incur debt not exceeding 5 per cent. on assessed valuation of taxable property therein for preceding year and addi-

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IRRIGATION (*Cont'd*)

IRRIGATION DISTRICTS (*Cont'd*)

tional debt not over 10 per cent. to provide water and sewerage for irrigation; no county, municipal corporation, civil township, district or subdivision to be included within such district or subdivision without a majority vote in favor thereof of the electors of the district proposed to be included therein, and no such debt to be ever incurred for any of the purposes in this section provided, unless authorized by a vote in favor thereof by a majority of the electors of such district incurring the same. (S.D. XIII 4.)

TAXATION

Ditches, canals, reservoirs, pipes and flumes owned and used exclusively by individuals or corporations for irrigating their own or their members' lands not to be separately taxed so long as so owned and used. (Colo. X 3; Utah XIII 3.)

Community ditches and all laterals thereof for irrigation exempt from taxation. (N.M. VIII 3.)

JEOPARDY

GENERAL RULE

No person shall be put twice in jeopardy for same offense. (Ariz. II 10; Cal. I 13; Colo. II 18; Fla. D.R. 12; Ida. I 13; Ill. II 10; Ind. I 14; Mont. III 18; Nebr. I 12; Nev. I 8; N.M. II 15; N.Y. I 6; N.D. I 13; Ohio I 10; Ore. I 12; S.D. VI 9; Utah I 12; Va. I 8; Wash. I 9; Wyo. I 11.)

No person for same offense to be twice put in jeopardy of punishment. (Minn. I 7; Wis. I 8.)

No person to be twice put in jeopardy of life or liberty for same offense. (Ark. II 8; La. 9; Miss. III 22; Okla. II 21; S.C. I 17; Tex. I 14; W.Va. III 5.)

No person to be twice put in jeopardy of life or limb for same offense. (Ala. I 9; Del. I 8; Ky. 13; Me. I 8; Pa. I 10; Tenn. I 10.)

No person shall, after acquittal, be tried for the same offense. (Iowa I 12; Mich. II 14; N.H. I 16; N.J. I 10; R.I. I 7.)

No person after once acquitted by a jury to be again put in jeopardy of life or liberty for same offense. (Mo. II 23.)

Persons once acquitted by jury not again to be put in jeopardy of life and liberty for that of which he has been acquitted. (Okla. II 21.)

Persons once declared not guilty in court of competent jurisdiction not to be again put upon trial for same offense. (Tex. I 14.)

When after conviction new trial granted defendant cannot be tried for offense or degree of offense greater than one for which convicted. (N.M. II 15.)

Conviction or acquittal under statute or municipal ordinance to be bar to another prosecution for same offense. (Ky. 168.)

WHAT DOES NOT AMOUNT TO

In case of mistrial. (Ga. I Sec. I 8; La. 9.)

Judgment arrested after verdict. (Colo. II 18; La. 9; Wyo. I 11.)

Judgment arrested after verdict on defective indictment. (Mo. II 23.)

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JEOPARDY (*Cont'd*)

WHAT DOES NOT AMOUNT TO (*Cont'd*)

Judgment reversed for error in law. (Colo. II 18; Mo. II 23; Wyo. I 11.)

Jury discharged for disagreement. (Colo. II 18; Wyo. I 11.)

Jury may be discharged for disagreement. Defendant recommitted or bailed for trial at same or next term of court. (Ark. II 8; Mo. II 23.)

Jury may be discharged for reasons fixed by law. (Ala. I 9.)

New trial on motion of defendant after conviction. (Ga. I Sec. I 8; La. 9.)

Must be acquittal or conviction on merits to bar another prosecution. (Miss. III 22.)

JOINT STOCK ASSOCIATIONS

See also CORPORATIONS, *and cross-references there given.*

Claims against joint-stock associations to be ascertained exactly and original subscribers individually liable for unpaid subscription after the stock. (Nebr. XIB 4.)

Directors or trustees jointly and severally liable to creditors and stockholders for moneys embezzled or misappropriated by officers during formers' term. (Cal. XII 3.)

Power to supervise and regulate joint-stock companies may be given boards, commissions or officers. (Ohio XIII 2.)

State not to carry on business of "any association" or become a part owner therein. (La. 58.)

Stockholders individually and personally, equally and ratably, and not one for another liable for all contracts, debts and engagements accruing while stockholders to amount of stock at par in addition to amount invested. (Wash. XII 11.)

Stockholders individually and personally liable for proportion of debts and liabilities contracted while stockholders in proportion of holdings to total holdings of stock. (Cal. XII 3.)

Stockholders individually liable for all labor performed for association. (Mich. XII 4.)

Stockholders liable for indebtedness of company only to amount of stock subscribed and unpaid; banks and banking corporations excepted. (W.Va. XI 2.)

JUDICIAL POWER

See COURTS.

See DISTRIBUTION OF POWERS.

JUDICIAL SALES

Of real estate, effect not to be prescribed by private, local or special law. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56; Va. IV 63.)

Effect not to be prescribed by local or special law. (La. 48.)

Lands comprising a single tract sold in pursuance of decree of court or execution to be first offered in subdivisions not over 160 acres or one-quarter section, and then offered as entirety, and price bid for latter to control only when it exceeds aggregate of bids for same in subdivisions; but chancery court in cases before it may decree otherwise. (Miss. IV 111.)

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JURIES

For jury trial in highest court of state, See COURTS — HIGHEST COURT.

RIGHT TO TRIAL BY JURY

Time and nature of trial, See COURTS — TRIALS — RIGHT TO.

For place from which selected, See below, this title, ORGANIZATION OF JURY.

For general requirement of due process of law

See CRIMES — RIGHTS OF ACCUSED.

See LIFE, LIBERTY AND PROPERTY.

Arbitration courts, See COURTS.

Arbitration, See ARBITRATION.

In General

To remain. (Mich. II 13.)

To be inviolate. (Kan. B.R. 5; Ohio I 5.)

To remain inviolate. (Ala. I 11; Ariz. II 23; Conn. I 21; Ida. I 7; Iowa I 9; Miss. III 31; Nebr. I 6; N.J. I 7; Okla. II 19; R.I. I 15; S.C. I 25; Tenn. I 6; Wash. I 21.)

To remain inviolate, except where otherwise provided in constitution. (Ga. VI Sec. XVIII 1.)

To remain inviolate, legislature to pass laws to regulate same, and maintain its purity and efficiency. (Tex. I 15.)

To remain inviolate, and to extend to all cases at law without regard to amount in controversy. (Ark. II 7; Minn. I 4; S.D. VI 6; Wis. I 5.)

To be secured to all and remain inviolate. (Cal. I 7; Fla. D. R. 3; Mont. III 23; Nev. I 3; N.D. I 7.)

Ancient mode of trial by jury to be held sacred and right thereof to remain inviolate, subject to such modifications as may be authorized by constitution. (Ky. 7.)

Inhabitants of state are entitled to trial by jury, according to course of common law of England. (Md. D.R. 5.)

As it has heretofore existed to be secure to all and remain inviolate. (N.M. II 12.)

To be as heretofore. (Del. I 4.)

To be as heretofore, and right thereof to remain inviolate. (Pa. I 6.)

As heretofore enjoyed to remain inviolate. (Ill. II 5; Mo. II 28.)

In all cases in which heretofore used, to remain inviolate forever; but nothing contained in constitution construed to limit power of legislature to enact laws for adjustment, determination and settlement with or without trial by jury, of issues arising under legislation for the protection of lives, health and safety of employees or for the payment of compensation for injuries to employees or for death of employees resulting from such injuries. (N.Y. I 2, 19.)

When issue in fact, proper for cognizance of a jury, is joined, parties have right to trial by jury, which ought to be held sacred; trials of issues proper for cognizance of a jury in highest court and general trial court to be by jury, except where parties otherwise agree. (Vt. I 12, II 30.)

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JURIES (*Cont'd*)
RIGHT TO TRIAL BY JURY (*Cont'd*)
In General (*Cont'd*)
In all cases in general trial court plaintiff or defendant entitled to jury on application made in open court. (Tex. V 10.)
Where issue of fact joined in justices' courts, on demand of either party, jury to be summoned. (N.C. IV 27.)
In all cases appeal to jury in justices' courts under regulations prescribed by law. (Ga. VI Sec. VII 2.)
Civil Cases
To remain inviolate. (Ind. I 20.)
To remain inviolate; in actions at law where value in controversy exceeds $20, to be preserved. (Ore. I 17, VII 3.)
In civil suits and in controversies concerning property, except where it has heretofore been otherwise practiced; person claiming right may be heard in person or by counsel (Me. I 20.)
To be preserved if demanded by either party in suits at common law where value in controversy exceeds $20, exclusive of interest and costs. (W.Va. III 13.)
Ought to be held sacred in suits between man and man, and controversies respecting property. (Va. I 11.)
In controversies concerning property, and suits between two or more persons, except in cases in which heretofore other ways used and practiced, parties to have right to trial by jury, and this method to be sacred, unless in causes arising on high seas and such as relate to mariners' wages, legislature shall find it necessary to alter it. (Mass. Pt. I 15.)
Same; additional exception of cases in which value in controversy does not exceed $100 and title to real estate is not concerned. (N.H. I 20.)
In all controversies at law respecting property ancient mode of trial by jury ought to remain sacred and inviolate. (N.C. I 19.)
Court to render judgment without verdict of jury in civil cases founded on unconditional contracts in writing, where issuable defense not filed under oath or affirmation. (Ga. VI Sec. IV 7.)
Feigned issues prohibited and fact at issue tried by order of court before a jury. (Ida. V 1; N.C. IV 1.)
Criminal Cases
Accused to have right in all criminal prosecutions. (Cal. I 13.)
Accused to have right in all prosecutions by indictment. (Ala. I 6.)
Accused has right to impartial jury in prosecutions by indictment or presentment. (Tenn. I 9.)
Accused has right to impartial jury in prosecution by indictment or information. (Conn. I 9; Ky. 11; Miss. III 26; Pa. I 9; Wis. I 7.)

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JURIES (*Cont'd*)

RIGHT TO TRIAL BY JURY (*Cont'd*)

Criminal Cases (*Cont'd*)

Trials of crime and misdemeanors unless otherwise provided in constitution, to be by jury. (W.Va. III 14.)

No person to be convicted of crime but by jury, but legislature may provide other means of trial for petty misdemeanors; with right of appeal. (N.C. I 13.)

Accused has right to impartial jury in all criminal prosecutions. (Ariz. II 24; Ark. II 10; Fla. D.R. 11; Ga. I Sec. I 5; Ill. II 9; Ind. I 13; Iowa I 10; Kan. B. R. 10; Md. D. R. 21; Mich. II 19; Minn. I 6; Mo. II 22; Mont. III 16; Nebr. I 11; N.J. I 8; N.M. II 14; Ohio I 10; Okla. II 20; Ore. I 11; R.I. I 10; S.C. I 18, V 22; S.D. VI 7; Tex. I 10; Vt. I 10; Wash. I 22.)

Same; to remain inviolate in criminal cases. (Colo. II 16, 23; Wyo. I 9, 10.)

Same; to remain inviolate in capital cases. (Utah I 10, 12.)

In criminal prosecutions, man has right to impartial jury, but on plea of guilty, tendered in person, and with consent of state's attorney, entered of record, court shall, and in prosecutions for offense not punishable by death or confinement in penitentiary, on plea of not guilty, with like consent, may, try case without jury; legislature may provide for trial of offenses not punishable by death or confinement in penitentiary by justice of peace without jury, preserving right of appeal and trial by jury in general trial court or city court. (Va. I 8.)

Accused has right to impartial jury in all criminal prosecutions; legislature may provide for trial with or without jury by inferior courts or justices of the peace in case of specified misdemeanors and such other misdemeanors as legislature may prescribe by vote of two-thirds of all members elected to each house. (Del. I 7, IV 30.)

In all criminal prosecutions accused to have trial by impartial jury; but in cases where penalty not necessarily imprisonment at hard labor or death, case may be tried by court without jury; judges of general trial court may try at any time, misdemeanors, and, when jury is waived, all cases not necessarily punishable at hard labor, and receive pleas of guilty in cases less than capital; persons entitled to appeal from fine or imprisonment by mayors or recorders to general trial court of parish, which trial shall be *de novo* and without jury. (La. 9, 116, 117, 111.)

Accused in criminal prosecutions has right to impartial trial, and, except in trials by martial law or impeachment, by a jury. (Me. I 6.)

Legislature not to make law subjecting person to capital or infamous punishment, except for government of army and navy, without trial by jury. (Mass. Pt. I 12.)

Legislature not to make law subjecting person to capital punishment, except for government of army and navy, and militia in

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JURIES (*Cont'd*)
RIGHT TO TRIAL BY JURY (*Cont'd*)
Criminal Cases (*Cont'd*)
actual service, without trial by jury; criminal cases within jurisdiction of police courts subject to right of appeal and trial by jury. (N.H. I 16; II 76.)
Contempt Cases, *See* CONTEMPTS.
Waiver
In General
By parties in all cases in manner prescribed by law. (Ark. II 7; Minn. I 4; Wis. I 5.)
By parties in cases not amounting to felony, by consent expressed in open court. (Cal. I 7; Ida. I 7.)
Parties to any cause may submit same to court for determination without aid of jury. (Md. IV 8.)
In all issues of fact, in any court, jury may be waived by parties, in which case finding of judge on the facts to have force and effect of verdict of jury. (N.C. IV 13; Okla. VII 20.)
Trials of issues proper for cognizance of a jury in highest court and general trial court to be by jury, except where parties otherwise agree. (Vt. II 30.)
In all cases in general trial court plaintiff or defendant entitled to jury on application made in open court. (Tex. V 10.)
Laws or rules of Supreme Bench of Baltimore may require all causes in any of courts of Baltimore to be tried before court without jury unless litigants or some one of them shall, within reasonable time or times as may be prescribed, elect to have their causes tried before a jury. (Md. IV 39.)
Where issue of fact joined in justices' courts, on demand of either party, jury to be summoned. (N.C. IV 27.)
Civil Cases
Waived unless demanded. (Utah I 10.)
Deemed to be waived unless demanded by one of the parties in manner prescribed by law. (Mich. II 13.)
Waived unless required by either party in suits at common law. (W.Va. III 13.)
Upon default of appearance or by consent of parties expressed in manner prescribed by law, jury trial may be waived. (Mont. III 23.)
May be waived by parties in manner prescribed by law. (N.Y. I 2.)
With consent of parties signified in manner prescribed by law. (Cal. I 7; Ida. I 7; Nev. I 3.)
By filed agreement of both parties; judgment to be subject to writ of error as in other cases. (Pa. V 27.)
Where matters of fact are at issue, if parties agree, such matters of fact to be tried by court. (Del. IV 23.)

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JURIES (*Cont'd*)

RIGHT TO TRIAL BY JURY (*Cont'd*)

Waiver (*Cont'd*)

Civil Cases (*Cont'd*)

Legislature may provide for, where consent of parties interested is given thereto. (Ariz. II 23; Wash. I 21.)

No jury to be impanelled in civil cases in general trial court unless demanded by party to the case, and jury fee paid into court by party demanding a jury for such sum and with such exceptions as may be prescribed by legislature. (Tex. V 10.)

In county court no jury to be impanelled to try cases unless demanded by one of the parties, who shall pay such jury fee therefor in advance as may be prescribed by law, unless he makes affidavit that he is unable to pay same. (Tex. V 17.)

Criminal Cases

In criminal cases not amounting to felony, upon default of appearance, or by consent of parties expressed in manner prescribed by law, jury trial may be waived. (Mont. III 23.)

ORGANIZATION OF JURY

For provisions relating specifically to grand jury, See below, this title, GRAND JURY.

Summoning, Drawing, Impanelling and Selecting

Great care ought to be taken to prevent corruption or partiality in choice and return or appointment of juries. (Vt. II 30.)

Legislature to provide for drawing of jurors. (La. 117.)

Trial jury to be drawn and summoned from body of county at least three times a year. (Ariz. VI 6.)

Legislature to provide for list of qualified persons and drawing therefrom of jurors for each term of general trial court. (Miss. XIV 264.)

Summoning not to be regulated by local, private or special law. (Ariz. IV 19.)

Summoning and impanelling not to be regulated by private, local or special law. (Cal. IV 25; Colo. V 25; Fla. III 20; Ida. III 19; Ill. IV 22; Ind. IV 22; Ky. 59; Miss. IV 90; Mo. IV 53; Mont. V 26; Nebr. III 15; Nev. IV 20; N.J. IV Sec. VII 11; N.M. IV 24; N.D. II 69; Okla. V 46; Ore. IV 23; S.C. III 34; Tex. III 56; W.Va. VI 39; Wyo. III 27.)

Private or local law prohibited, unless bill or amendment reported by commissioners to revise statutes. (N.Y. III 18, 23.)

Drawing and selection not to be regulated by local, private or special law. (Miss. IV 90; N.J. IV Sec. VII 11.)

Place Selected from, in Criminal Cases

County or district in which offense alleged to have been committed. (Ala. I 6; Ill. II 9; Mont. III 16; Nebr. I 11; N.M. II 14; Ohio I 10; Okla. II 20; Ore. I 11; S.D. VI 7; Tenn. I 9; Utah I 12; Vt. I 10; Wash. I 22; Wyo. I 10.)

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JURIES (*Cont'd*)

ORGANIZATION OF JURY (*Cont'd*)

Place Selected from, in Criminal Cases (*Cont'd*)

County or district in which offense committed, which county or district shall have been previously ascertained by law. (Minn. I 6.)

County in which offense committed in prosecutions by indictment or presentment. (Tenn. I 9.)

Vicinity. (Pa. I 9; Va. I 8.)

Same; except in trials by martial law or impeachment. (Me. I 6.)

County (country). (Vt. I 10.)

For change of venue, See COURTS — TRIALS.

Exemption from Jury Duty

No voter during time of holding election at which he is entitled to vote, to be compelled to attend court as juror. (Va. II 29.)

Same; adds "or during time necessary and convenient for going to and returning from same". (W.Va. IV 3.)

Not to be provided for by local, private or special law. (Ala. IV 104; Miss. IV 90.)

Challenges

Accused to have peremptory right of challenge; number of challenges to be fixed by law. (La. 10.)

Number Composing

In General

Twelve in courts of record other than county courts. (Okla. II 19.)

Twelve in general trial court. (S.C. V 22; Tex. V 13.)

Legislature may authorize trial by less than 12. (Mich. V 27.)

Legislature may authorize less than 12 in inferior courts. (Iowa I 9.)

Legislature may authorize trial by less than 12 in courts inferior to general trial courts. (Nebr. I 6.)

Legislature may provide for less than 12 in courts not of record. (Ariz. II 23; Mo. II 28; S.D. VI 6; Wash. I 21.)

Eight in courts of general jurisdiction, except in capital cases. (Utah I 10.)

As fixed by law but not less than six in any case. (Fla. V 38.)

Six in county courts. (Tex. V 29.)

Six in courts not of record and county courts. (Okla. II 19.)

Six in all municipal courts and courts inferior to general trial court. (S.C. V 22.)

May consist of six in all courts inferior to general trial court. (N.M. II 12.)

Six in justice's court. (N.C. IV 27.)

Legislature may prescribe any number not less than five to constitute trial or traverse jury in courts other than general trial courts and municipal courts. (Ga. VI Sec. XVIII 1.)

Four in courts of inferior jurisdiction. (Utah I 10.)

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JURIES (*Cont'd*)

ORGANIZATION OF JURY (*Cont'd*)

Number Composing (*Cont'd*)

Civil Cases

Twelve or any less number agreed upon by parties in open court. (Cal. I 7; Ida. I 7.)

On default of appearance, or by consent of parties in manner prescribed by law, trial may be had by less number than provided by law. (Mont. III 23.)

Less than 12, as may be prescribed by law. (Colo. II 23; Wyo. I 9.)

Less than 12 in courts not of record as prescribed by law. (N.D. I 7.)

Legislature may authorize trial before justice of peace by jury of less than 12. (Ill. II 5.)

Six in courts inferior to general trial courts. (Ky. 248.)

Not more than six in justice's court. (Mont. III 23.)

In suits at common law before justice of peace, jury may consist of six. (W.Va. III 13.)

Legislature may authorize trial of civil cases by jury of six where matter in dispute does not exceed $50. (N.J. I 7.)

Legislature may limit number of jurors in general trial courts and corporation courts to not less than five in cases now cognizable by justices of peace, or to not less than seven in cases not so cognizable. (Va. I 11.)

Criminal Cases

Usual number indispensable. (Me. I 7.)

Twelve unless otherwise provided in constitution. (W. Va. III 14.)

In criminal cases not amounting to felony, upon default of appearance or by consent of parties in manner prescribed by law, trial may be had by less number than provided by law. (Mont. III 23.)

Twelve or any less number parties agree on in open court in case of misdemeanor. (Cal. I 7; Ida. I 7.)

Legislature may provide for less than 12 in courts not of record. (Colo. II 23; Mich. II 19; Wyo. I 9.)

Legislature may provide for less than 12 and not less than five for offenses not punishable by death or confinement in penitentiary and may classify such cases and prescribe number of jurors in each class. (Va. I 8.)

Twelve in capital cases and cases in which punishment is necessarily at hard labor; five in cases in which punishment may be at hard labor. (La. 9, 116.)

Six in courts inferior to general trial courts in case of misdemeanor. (Ky. 248.)

Not more than six in cases of misdemeanor in justice's court. (Mont. III 23.)

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JURIES (*Cont'd*)

ORGANIZATION OF JURY (*Cont'd*)

Number Composing (*Cont'd*)

Criminal Cases (*Cont'd*)

Legislature may by general or special law provide for trials of misdemeanors in justices' courts by jury of not more than five nor less than three. (La. I 26.)

Six in probate court (only can have jurisdiction for trials of misdemeanors in which punishment cannot be imprisonment in penitentiary or fine more than $1,000). (N.M. VI 23.)

Qualifications and Disqualifications of Jurors

In General

As prescribed by law. (Tex. XVI 19.)

Care ought to be taken that only qualified persons be appointed to serve. (N.H. I 21.)

Members of grand jury to be competent to serve as traverse jurors. (Ga. VI Sec. XVIII 2.)

Age

Must be between 21 and 65 years of age. (S.C. V 22.)

Character

Good moral character. (S.C. V 22.)

Citizenship

Legislature to provide that most competent of the permanent citizens of county be chosen. (Ore. VII 5.)

Crime as Disqualification

No person convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment in penitentiary to be eligible. (La. 160.)

Person convicted of treason, felony, embezzlement of public money, bartering, selling, or offering to barter or sell vote, purchasing or offering to purchase vote of another, or other infamous crime, and who has not been restored to citizenship, or who has been confined to prison for criminal offense, ineligible to serve on jury. (Ida. VI 3.)

Laws to be made to exclude persons convicted of bribery, perjury, forgery or other high crimes. (Tex. XVI 2.)

Same; adds "malfeasance in office". (Cal. XX 11.)

Laws to exclude all persons convicted of perjury, bribery, forgery, larceny or other high crime unless restored to civil rights. (Nev. IV 27.)

Educational

Must be able to read and write; but want of such qualification in any juror not to vitiate indictment or verdict. (Miss. XIV 264.)

Right of citizens to sit on juries not restricted or impaired on account of inability to speak, read or write English or Spanish language. This provision never to be amended except on vote in election at which at least three-fourths of electors voting in whole state and at least two-thirds of those voting in each county shall vote for the amendment. (N.M. VII 3.)

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JURIES (*Cont'd*)

ORGANIZATION OF JURY (*Cont'd*)

Qualifications and Disqualifications of Jurors (*Cont'd*)

Electoral

Must be elector. (S.C. V 22.)

Laws to exclude all persons not qualified electors. (Nev. IV 27.)

Must be qualified elector, but want of such qualification not to vitiate indictment or verdict. (Miss. XIV 264.)

Guardianship as Disqualification

No person under guardianship eligible to serve on jury. (Ida. VI 3.)

Person under interdiction ineligible to serve on jury. (La. 160.)

Insanity as Disqualification

No person idiotic or insane eligible to serve on jury. (Ida. VI 3.)

Political Test

Test oath not to be required. (W.Va. III 11.)

Not to be required. (Tenn. I 6.)

Polygamy as Disqualification

Person who is a bigamist or polygamist, or who is living in patriarchial or plural marriage, or who in any manner teaches, advises or encourages polygamy ineligible to serve on jury. (Ida. VI 3.)

Racial

Right of citizens to sit on juries not restricted or impaired on account of race, language or color. This provision never to be amended except on vote in election at which at least three-fourths of electors voting in whole state and at least two-thirds of those voting in each county shall vote for the amendment. (N.M. VII 3.)

No persons of Mongolian descent not born in the United States, no Indians not taxed who have not severed their tribal relations and adopted the habits of civilization to serve. (Ida. VI 3.)

Religious Test

Prohibited. (Ariz. II 12; Cal. I 4; Mo. II 5; N.D. I 4; Ore. I 6; Tenn. I 6; Utah I 4; Wash. I 11; W.Va. III 11; Wyo. I 18.)

Right of citizen to sit on jury not restricted or impaired on account of religion. This provision never to be amended except on vote in election at which at least three-fourths of electors voting in whole state and at least two-thirds of those voting in each county shall vote for the amendment. (N.M. VII 3.)

Compensation of Jurors

Legislature may regulate in all courts within classes of counties permitted by constitution to be made; not in any class to exceed $3 a day and mileage. (Cal. XI 5.)

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JURIES (*Cont'd*)
ORGANIZATION OF JURY (*Cont'd*)
Compensation of Jurors (*Cont'd*)
Not to be provided for by local or special law. (Cal. IV 25; Fla. III 20; Ind. IV 22; Ida. III 19; Ky. 59; Nev. IV 20.)
General law to prescribe manner of fixing, in all counties of state. (Ga. VI Sec. XVIII 3.)
Ought to be fully compensated for travel, time and attendance. (N.H. I 21.)
CHARGE TO JURY, *See* COURTS — TRIALS.
PROVINCE OF JURY IN CRIMINAL CASES
In libel cases, See LIBEL AND SLANDER.
To determine law and facts. (Ind. I 19.)
To determine law and facts under direction of court as to law. (La. 179; Ore. I 16.)
VERDICT
Number Necessary to Render
Civil Cases
Unanimity in all cases tried in general trial court. (S.C. V 22.)
Legislature may provide for less than unanimous vote. (N.M. II 12.)
Legislature may provide that five-sixths after not less than six hours' deliberation may render verdict. (Minn. I 4.)
Three-fourths. (Cal. I 7; Ida. I 7; Ore. VII 5; Utah I 10.)
Three-fourths, but if verdict rendered by less than whole number, to be in writing and signed by each juror agreeing. (Okla. II 19.)
Three-fourths, but legislature by two-thirds vote of all members elected to each house may require unanimous verdict. (Nev. I 3.)
Legislature may provide for decision by three-fourths of jury in any court. (S.D. VI 6.)
Legislature may provide for not less than three-fourths. (Ohio I 5.)
Three-fourths in courts of record. (Mo. II 28.)
Legislature may provide for verdict by three-fourths in courts of record. (Ariz. II 23.)
Legislature may provide for three-fourths or more in any court of record. (Wash. I 21.)
Three-fourths in general trial courts, but verdict to be signed by all jurors concurring; when, pending trial of case, one or more jurors, not exceeding three, die or are disabled from sitting, remainder of jury have power to render verdict; legislature may change or modify rule authorizing less than whole number of jury to render verdict. (Tex. V 13.)
Legislature may provide that in general trial courts, three-fourths or more of jury concurring may render verdict; but when verdict is rendered by less than whole jury it shall be signed by all jurors who agree to it. (Ky. 248.)

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JURIES (*Cont'd*)

VERDICT (*Cont'd*)

Number Necessary to Render (*Cont'd*)

Civil Cases (*Cont'd*)

Two-thirds in civil cases. (Mont. III 23.)

Two-thirds in courts not of record. (Mo. II 28.)

Criminal Cases

Unanimity required. (Utah I 10.)

Unanimity required, except in cases not amounting to felony. (Okla. II 19.)

All must concur in capital cases; three-fourths (out of twelve) where punishment must be hard labor; all (out of five) in cases where punishment may be at hard labor. (La. 116.)

Unanimity in all cases tried in general trial court. (S.C. V 22.)

Unanimity required (for conviction). (Me. I 7; N.C. I 13; Vt. I 10; Va. I 8.)

Unanimity ought to be required (for conviction). (Md. D.R. 21.)

Legislature may provide for five-sixths in cases of misdemeanor. (Ida. I 7.)

Three-fourths in cases not amounting to felony. (Okla. II 19.)

Three-fourths in cases below the grade of felony in general trial courts, but verdict when rendered by less than whole number to be signed by every member of jury concurring. When pending trial of case, one or more jurors, not exceeding three, die or are disabled from sitting, remainder to have power to render verdict. Legislature may change or modify rule authorizing less than whole number to render verdict. (Tex. V 13.)

Two-thirds in cases not amounting to felony. (Mont. III 23.)

Formal Requirements

If verdict rendered by less than whole number of jurors, to be signed by all jurors agreeing. (Ky. 248; Okla. II 19; Tex. V 13.)

Special Findings

Jury to return general verdict, and no law to require court to direct the jury to make findings on particular questions of fact but the court may in its discretion direct such special findings. (Okla. VII 21.)

Conclusiveness of Facts Found

No fact found by jury to be otherwise re-examined in any cases than according to rules of common law. (W.Va. III 13.)

No fact tried by jury to be otherwise re-examined in any court of this state, unless court can affirmatively say there is no evidence to support verdict. (Ore. VII 3.)

Legislature may provide for appeal from one jury to another in general trial courts and city courts. (Ga. VI Sec. IV 6.)

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JURIES (*Cont'd*)

GRAND JURY

As to necessity of indictment in prosecutions, and abolishment of grand jury, See CRIMES — FORM OF ACCUSATION.

Summoning, Drawing, Impanelling and Selecting

Provision may be made by law for drawing and summoning grand jurors from regular jury lists at any time separate from panel of petit jury, and for sitting of grand jury during vacation as well as session of court, as judge may direct. (Ore. VII 5.)

Legislature to provide for list of qualified persons and for drawing therefrom grand jurors for each term of general trial court. (Miss. XIV 264.)

To be impanelled in each parish twice a year; remain in office till succeeding grand jury is impanelled, except in parish of Cameron, in which at least one grand jury shall be impanelled each year. (La. 117.)

To be drawn and summoned at least once a year in each county. (Cal. I 8.)

To be convened by order of judge of court having power to try felony, upon his own motion; or on filing of petition signed by 100 resident taxpayers of county such grand jury to be ordered by such judge; legislature may make calling of grand jury compulsory. (Okla. II 18.)

Not to be convened except upon order of judge of court having power to try felonies. (Mo. II 28.)

May be summoned by general trial court in manner prescribed by law. (Ida. I 8.)

To be drawn and summoned only by order of general trial court. (Ariz. VI 6.)

To be drawn and summoned only when general trial court judge considers it necessary and so orders. (Mont. III 8.)

Not to be drawn or summoned except by judges of general trial courts when in their opinion public interest demands it. (Utah I 13.)

Drawing and selection not to be regulated by local, private or special law. (Miss. IV 90; N.J. IV Sec. VII 11.)

Private or local law prohibited unless bill or amendment reported by commissioners to revise statutes. (N.Y. III 18, 23.)

Summoning and impanelling not to be regulated by local, private or special law. (Cal. IV 25; Colo. V 25; Fla. III 20; Ida. III 19; Ill. IV 22; Ind. IV 22; Ky. 59; Miss. IV 90; Mo. IV 53; Mont. V 26; N.J. IV Sec. VII 11; Nebr. III 15; Nev. IV 20; N.D. II 69; Okla. V 46; Ore. IV 23; S.C. III 34; Tex. III 56; W.Va. VI 39; Wyo. III 27.)

Number Composing

Usual number. (Me. I 7.)

Eighteen. (S.C. V 22.)

May consist of any number not less than five nor more than 15 as legislature may provide. (Iowa V 15.)

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JURIES (*Cont'd*)

GRAND JURY (*Cont'd*)

Number Composing (*Cont'd*)

Twelve. (Colo. II 23; Ky. 248; La. 117; Mo. II 28; Okla. II 18; Tex. V 13.)

May consist of 12. (Wyo. I 9.)

Seven. (Mont. III 8; Ore. VII 5; Utah I 13.)

To be determined by law. (Ohio I 10.)

Qualifications of Jurors

See also above, this title, ORGANIZATION OF JURY.

Legislature to provide. (Tex. XVI 19.)

Legislature to provide by law for the selection of the most experienced, intelligent and upright men. (Ga. VI Sec. XVIII 2.)

Must be qualified elector, able to read and write; but want of any such qualification not to vitiate indictment. (Miss. XIV 264.)

Compensation of Jurors

Legislature may regulate in all courts within classes of counties permitted by constitution to be made; not in any class to exceed $3 a day and mileage. (Cal. XI 5.)

Not to be provided for by local or special law. (Cal. IV 25; Fla. III 20; Ida. III 19; Ind. IV 22; Ky. 59; Nev. IV 20.)

Powers and Duties

To investigate and return indictments for all characters and grades of crime. (Mo. II 28.)

Same; other powers as prescribed by law. (Okla. II 18.)

Inquiry into misdemeanors. (Tex. V 17.)

Number Necessary to Find Indictment

Unanimity required. (Me. I 7.)

Five out of seven. (Mont. III 8; Ore. VII 5; Utah I 3.)

Nine out of 12. (Colo. II 23; Ky. 248; La. 117; Mo. II 28; Okla. II 18; Wyo. I 9.)

Nine out of 12 to be a quorum to transact business and present bills. (Tex. V 13.)

Two-thirds. (S.C. V 22.)

To be determined by law. (Ohio I 10.)

JURISDICTION

Of courts, *See* COURTS.

Territorial jurisdiction of state, *See* TERRITORIAL JURISDICTION.

JUSTICES OF PEACE, *See* COURTS.

LABOR

ADMINISTRATION OF LAWS RELATING TO

Bureau of immigration, labor and statistics to be established; in charge of commissioner appointed by governor with consent of senate to hold office for two years and until successor qualified, unless sooner removed. To collect information on subject of labor and report in writing to governor containing recommendations.

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LABOR (*Cont'd*)

ADMINISTRATION OF LAWS RELATING TO (*Cont'd*)

To perform duties and receive compensation prescribed by law. Compensation not to be increased or diminished during term. (Ida. XIII 1, 8, V 27.)

Commissioner of agriculture, labor and statistics to be elected by qualified voters of state at time governor is elected. Term four years and until successor qualifies; term begins first Monday January after election. He shall be at least 30 years of age and resident citizen of state two years next preceding election. Duties to be prescribed by law. (Ky. 91.)

Appointment or election to office of factory inspector, of either males or females to be allowed. (La. 210.)

Legislature may provide for bureau of agriculture, labor and industry located at capitol, under control of commissioner, appointed by governor subject to confirmation of senate to hold office for four years and until successor qualified; compensation provided by law. (Mont. XVIII 1.)

Commissioner of agriculture and labor elected by qualified electors at same times and places as members of legislature; 25 years old, citizen of United States, and same qualifications as state electors; to hold office at seat of government for two years and until successor qualified. Powers and duties to be prescribed by law. Salary to be prescribed by law, but not to be increased or diminished during period for which elected, and fees and profits to be covered into treasury. (N.D. III 82, 83, 84.)

Department of labor created under control of commissioner to be elected for four years. Commissioner of labor to keep office and public records at seat of government and perform duties designated in constitution or prescribed by law; he shall receive at stated times compensation not to be increased or diminished during term for which elected and shall not receive to own use, costs or perquisites of office or other compensation. Compensation fixed at $2,000 until otherwise provided by law. (Okla. VI 20, 1, 34, Sched. 15.)

Bureau of industrial statistics to be under secretary of internal affairs. (Pa. IV 19.)

Legislature to provide for board of labor, conciliation and arbitration; to fairly represent interests of capital and labor; to perform duties and receive compensation prescribed by law. (Utah XVI 2.)

Legislature may establish bureau of labor and statistics under regulations to be prescribed by law. (Va. V 86.)

Commissioner of agriculture and industry, *See* AGRICULTURE.

ARBITRATION AND CONCILIATION

See also ARBITRATION.

See also COURTS — ARBITRATION COURTS.

Legislature may establish boards of arbitration to hear and determine conditions and controversies between laborers and employers which may be submitted to them in writing by all parties;

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LABOR (*Cont'd*)

ARBITRATION AND CONCILIATION (*Cont'd*)

to possess powers of justices of the peace, in respect to administering oaths, subpoenaing witnesses, compelling attendance, preserving order, punishing for contempt, requiring production of papers and others powers and privileges in their nature applicable. (Ida. XIII 7.)

Legislature to create board of arbitration and conciliation in department of labor, with commissioner of labor *ex officio* chairman. (Okla. VI 21.)

Every license issued or charter granted to a mining or public service corporation, foreign or domestic, to contain stipulation that it will submit any difference it may have with employees in reference to labor, to arbitration, as provided by law. (Okla. IX 42.)

On request of parties interested corporation commission as far as possible to effect by mediation adjustment of claims and settlement of controversies between transportation or transmission companies and their employees. (Okla. IX 18; Va. XII 156 b.)

Legislature to establish courts of arbitration to hear and determine differences and controversies between organizations of laborers and their employers, which shall be submitted to them in manner prescribed by law; appeals from decisions of compulsory boards of arbitration to be allowed to highest court; manner of taking appeals to be prescribed by law. (Wyo. XIX Boards of Arbitration 1, V 28.)

BLACKLISTING

Exchange of Lists Prohibited

Exchange, solicitation or giving out of any labor black list prohibited. (Ariz. XVIII 9.)

Exchange of blacklists between corporations prohibited. (N.D. XVII 212.)

Exchange of blacklists by railroad companies or other corporations, associations or persons, prohibited. (Utah XVI 4.)

Freedom to Obtain Employment

Every citizen free to obtain employment wherever possible; any person maliciously interfering or hindering him from obtaining or enjoying employment already obtained from other person, to be guilty of misdemeanor. (N.D. I 23.)

Every person in state free to obtain employment whenever possible, and any person maliciously interfering or hindering in any way any person from obtaining or enjoying employment already obtained from any person, to be deemed guilty of crime. (Utah XII 19.)

BONDAGE

No man over 21 and no woman over 18 "to be holden by law to serve any person as a servant" unless bound by their own consent after they arrive at such age, or bound by law for the payment of debts, damages, fines, costs, or the like. (Vt. I 1.)

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LABOR (*Cont'd*)

CHILDREN

Legislature to enact suitable laws for regulation of employment of children. (N.M. XX 10.)

Legislature may regulate conditions of employment. (Mich. V 29.)

Hours of labor, *See below, this title,* HOURS.

Minimum wage, *See below, this title,* MINIMUM WAGE.

Girls not to be employed underground in operation of mines. (Okla. XXIII 4.)

No girl of any age to be employed or permitted to be employed in or about any coal, iron or any other dangerous mine for purpose of employment therein. Not applicable to employment of girl of suitable age in office or in performance of clerical work at such mine or colliery. (Wyo. IX 3, 4.)

Labor of children under 12 years prohibited in mines, factories and workshops. (N.D. XVII 209.)

Legislature to prohibit employment in mines of children under 12. (Colo. XVI 2.)

No child under 14 to be employed in gainful occupation during hours in which public schools in session. (Ariz. XVIII 2.)

No child under 14 shall be employed in mines. (N.M. XVII 2.)

Employment of children under 14 in underground mines prohibited. (Ida. XIII 4.)

Legislature to prohibit employment of children under 14 in underground mines. (Utah XVI 3.)

No boy under 14 to be employed or permitted to be employed in or about any coal, iron or any other dangerous mine for purpose of employment therein. Not applicable to employment of boy of suitable age in office or in performance of clerical work at such mine or colliery. (Wyo. IX 3, 4.)

Employment of children under age of 15 in occupation injurious to health or morals, or especially hazardous to life or limb prohibited. (Okla. XXIII 3.)

No child under 16 to be employed underground in mines, or in occupation injurious to health or morals or hazardous to life or limb; nor in occupation at night. (Ariz. XVIII 2.)

Unlawful to employ children under 16 in underground mines. (Mont. XVIII 3.)

Boys under 16 not to be employed underground in operation of mines. (Okla. XXIII 3.)

COOLIE LABOR

Asiatic coolieism is form of human slavery and is forever prohibited; contracts for to be void. Importation of such labor by companies and corporations, domestic or foreign, to be subject to penalties prescribed by legislature. (Cal. XIX 4.)

EMPLOYER'S LIABILITY

See also PERSONAL INJURIES.

See also INJURIES.

Workmen's compensation, *See* WORKMEN'S COMPENSATION.

Contract or agreement with employee waiving right to recover damages for death or injury to be void. (Wyo. X 4.)

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LABOR (*Cont'd*)

EMPLOYER'S LIABILITY (*Cont'd*)

Unlawful to require of servants or employees as condition of employment or otherwise contract or agreement of release or discharge from liability for personal injuries received in service of employer by reason of negligence of employer or agents or employees, and such contracts to be void. (Ariz. XVIII 3; Colo. XV 15; Mont. XV 16; Wyo. XIX Labor Contracts.)

Legislature to enact employer's liability law whereby employer to be liable for death or injury caused by accident due to condition of occupation of employee in hazardous occupations, in mining, smelting, manufacturing, railroad or street railway transportation, or any other industry, except where death or injury caused by negligence of killed or injured employee. (Ariz. XVIII 7.)

Fellow-servant rule abrogated so far as it affects liability of master for injuries to his servant, resulting from acts or omission of any other servant or servants. (Ariz. XVIII 4.)

Fellow-servant doctrine abrogated as to employees of railroads, street railway or interurban railway companies and persons engaged in mining, and legislature may extend this provision to any other employees. (Okla. IX 36.)

Fellow-servant rule and assumption of risk rule abolished in part as to railroad employees engaged in certain classes of work. Contract or agreement by employee to waive this provision to be void. Legislature may enlarge such rights and remedies of such employees, or extend such rights and remedies to or otherwise enlarge present rights and remedies of any class of employees of railroads or of employees of any person, firm or corporation. (Va. XII 162.)

Railroad liable for injury or death of employee resulting from negligence of railroad or officers, agents or employees, or by reason of defect or insufficiency, due to negligence in cars, engines, appliances, machinery, track, roadbed, works or other equipment. Action for death may be maintained by executor or administrator for benefit of employee's surviving widow or husband and children, or if none, his parents, or if none, then next of kin dependent upon decedent. Amount recovered distributed as provided by law. Contract or agreement in advance of injury waiving or limiting the right to recover damages to be void. This provision not to affect federal employers' liability act. (N.M. XX 16.)

Where death ensues from injury to employee of railroad corporation legal or personal representatives to have same right and remedies as are allowed by law to representatives of other persons not employees. Contract or agreement, express or implied, by employee to waive benefit of this provision, to be void. Provision not to be construed to deprive employee of a corporation or his legal representatives of right or remedy that he now has by law of the land. Legislature may extend remedy provided for to any other class of employees. (Miss. VII 193; S.C. IX 15.)

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LABOR (*Cont'd*)

EMPLOYER'S LIABILITY (*Cont'd*)

Employee of railroad corporation to have same rights and remedies for injuries suffered by him from act or omission of corporation or its employees, as allowed by law to persons not employees, where injuries result from negligence of superior agent or officer or person having right to control or direct services of injured party, or where injuries result from negligence of fellow-servant engaged in other department of labor, or of a fellow-servant on another train of cars, or one engaged about different piece of work. Contract or agreement, express or implied, by employee to waive benefit of this provision, to be void. Provision not to be construed to deprive employee of a corporation or his legal representatives of right or remedy that he now has by law of the land. Legislature may extend remedy provided for to any other class of employees. (Miss. VII 193; S.C. IX 15.)

Knowledge by injured employee of railroad corporation of defective or unsafe character of machinery, ways or appliances not to be defense to action except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. Contract or agreement, express or implied, to waive benefit of this provision, to be void. Provision not to be construed to deprive employee of a corporation or his legal representative of right or remedy that he now has by law of the land. Legislature may extend remedy provided for to any other class of employees. (Miss. VII 193; S.C. IX 15.)

For injury to person or property caused by wilful failure to comply with constitutional provision (relating to mines and mining) or law passed in pursuance thereof, injured party shall have right of action for damage sustained. (Wyo. IX 4.)

GENERAL DECLARATIONS

Freedom to obtain employment, *See above, this title,* BLACKLISTING.

Rights of labor to have just protection through laws calculated to promote the industrial welfare of the state. (Utah XVI 1.)

Rights of labor to have just protection through laws calculated to secure to laborer proper rewards for service and to promote industrial welfare of state. (Wyo. I 22.)

Legislature to prohibit political and commercial control of employees. (Utah XVI 3.)

Legislature to provide for protection of employees of corporations doing business in state from interference with their social, civil and political rights by such corporations, their agents or employees. (Miss. VII 191.)

Private, local or special law regulating labor prohibited. (Ky. 59; La. 48; Mo. IV 53; Pa. III 7; Tex. III 56; Va. IV 63.)

HEALTH AND SAFETY

On public work, *See below, this title,* PUBLIC WORK.

Nothing in constitution to be construed to limit power of the legislature to enact laws for protection of lives, health or safety of employees. (N.Y. I 19.)

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LABOR (*Cont'd*)

HEALTH AND SAFETY (*Cont'd*)

Legislature may provide for comfort, health, safety and general welfare of employees; no provision of constitution to be construed as limitation on power of legislature to confer upon a commission power to carry out provisions of this section. (Cal. XX 17½ (1914).)

Comfort, health, safety and general welfare of all employees may be provided for by law; nothing in constitution to impair or limit this power. (Ohio II 34.)

Legislature to provide for protection of persons working in mines, factories and other employments dangerous to life and deleterious to health. (Wash. II 35.)

Legislature to provide for health and safety of employees in factories, mines and railroads. (Okla. XXIII 5.)

Legislature to require such appliances and means to be provided and used as may be necessary to secure, as far as possible, the lives, health and safety of persons employed in mining and of persons traveling on railroads and by other public conveyances. (Ark. XIX 18.)

Legislature to provide for health and safety of employees in factories, smelters and mines. (Utah XVI 6.)

Legislature at first session to enact laws regulating operation and equipment of mines so as to provide for health and safety of workers. (Ariz. XIX.)

Legislature to provide for proper ventilation of mines, construction of escapement shafts, and other appliances necessary for health and safety of workmen. (Colo. XVI 2.)

Legislature to provide for health and safety of employees in factories, smelters, mines and ore reduction works. (Ida. XIII 2.)

Legislature to pass necessary laws for protection of operative miners by providing for ventilation when required and construction of escapement shafts or such other appliances as may secure safety in coal mines. (Ill. IV 29.)

Legislature to enact laws requiring proper ventilation, constructing and maintenance of escapement shafts or slopes, and adoption and use of appliances necessary to protect health and secure safety of employees. (N.M. XVII 2.)

Legislature to provide for proper development, ventilation, drainage and operation of mines. (Wyo. IX 2.)

Corporation commission may make and enforce reasonable rules, regulations and orders for convenience, comfort and safety, and preservation and health of employees of public service corporations. (Ariz. XV 3.)

HOURS

On public work, *See below, this title*, PUBLIC WORK.

For all employees, may be fixed and regulated by law; nothing in constitution to impair or limit this power. (Ohio II 34.)

For women and children, legislature may regulate. (Mich. V 29.)

No child under 16 to be employed for more than eight hours a day. (Ariz. XVIII 2.)

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LABOR (*Cont'd*)

HOURS (*Cont'd*)

Legislature to provide for period of employment not to exceed eight hours in any 24 (except in cases of emergency where life or property is in imminent danger) for persons employed in underground mines or workings, blast furnaces, smelters, ore reduction works or other branch of industry or labor that legislature may consider injurious or dangerous to health, life or limb. (Colo. V 25a.)

Eight hours to constitute a day's work in mills and smelters for treatment of ores and in underground mines. (Mont. XVIII 4.)

Except in emergencies eight hours to constitute day's work underground in mines. (Okla. XXIII 4.)

Eight hours' actual work to constitute a lawful day's work in all mines. (Wyo. XIX 1.)

IMPORTATION OF ARMED MEN, *See* POLICE.

LIENS

For current wages, See below, this title, WAGES.

Exemptions from forced sale not to apply to, See EXEMPTIONS FROM FORCED SALE.

Mechanics, artisans, and laborers to have lien on property on which they have bestowed labor for value of labor. (Cal. XX 15.)

Legislature to provide for giving to mechanics and laborers adequate lien on the subject matter of labor. (Fla. XVI 22; Ida. XIII 6; N.C. XIV 4.)

Legislature may secure for mechanics, artisans, laborers and subcontractors their just dues by direct lien upon property upon which they have bestowed labor; no provision in constitution to impair or limit this power. (Ohio II 33.)

Mechanics and artisans to have lien upon buildings and articles made or repaired for value of labor. (Tex. XVI 37.)

ON MARRIED WOMEN'S PROPERTY, *See* WOMEN.

MINIMUM WAGE

May be fixed by law; nothing in constitution to impair or limit this power. (Ohio II 34.)

Legislature may provide for minimum wage for women and minors; no provision of constitution to be construed as limitation on power of legislature to confer upon a commission power to carry out provisions of this section. (Cal. XX 17½ (1914).)

Legislature to provide for minimum wage for children employed in places dangerous to life and health, or injurious to morals. (Ky. 243.)

PROTECTION OF EMPLOYEES, *See above, this title,* HEALTH AND SAFETY.

PUBLIC WORK

In General

Protection for current wages, *See below, this title,* WAGES.

Legislature may regulate and fix wages or salaries, hours of work or labor, and make provision for protection, welfare and safety, of employees of state or civil division, or of contractor or subcontractor performing work, labor or service therefor. (N.Y. XII 1.)

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LABOR (*Cont'd*)

PUBLIC WORK (*Cont'd*)

Aliens

Person not citizen or ward of United States, or who has not declared intention to become citizen, not to be employed on or in connection with any state, county or municipal "works or employment"; but this not to prevent working of prisoners by state or municipality on street or road works or other public works. (Ariz. XVIII 10.)

No Chinese shall be employed on any state, county, municipal, or other public work, except in punishment for crime. (Cal. XIX 3.)

Person not citizen of United States or who has not declared his intention to become such not to be employed on or in connection with any state or municipal works. (Ida. XIII 5.)

Person not citizen of United States or who has not declared his intention to become citizen not to be employed upon or in connection with state, county or municipal work, or employment. (Wyo. XIX Labor on Public Works 1, 2.)

Convict Labor, *See* CONVICT LABOR.

Hours

Eight hours to constitute lawful day's work in employment by or on behalf of state or any political subdivision. (Ariz. XVIII 1.)

Time of service of laborers, workmen or mechanics employed upon public works of state or of political subdivision, whether by contract or otherwise, limited to eight hours in any calendar day, except in cases of extraordinary emergency caused by fire, flood or danger to life and property or except to work upon public, military or naval works or defenses in time of war; legislature to provide that stipulation to this effect shall be inserted in all contracts for public works. (Cal. XX 17.)

Not more than eight hours' actual work to constitute a lawful day's work on all state and municipal works. (Ida. XIII 2.)

Eight hours to constitute a day's work on all works or undertakings carried on or aided by any municipal, county or state government and on all contracts let by them. (Mont. XVIII 4.)

Eight hours to constitute a day's work in all cases of employment by and on behalf of state or any county or municipality. (N.M. XX 19.)

Eight hours to constitute day's work in employments by and on behalf of state or county or municipality. (Okla. XXIII 1.)

On public work carried on or aided by state or political subdivision by contract or otherwise, not to exceed eight hours to constitute a day's work and not to exceed 48 hours to constitute a week's work, except in cases of extraordinary emergency. (Ohio II 37.)

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LABOR (*Cont'd*)
PUBLIC WORK (*Cont'd*)
Hours (*Cont'd*)
Eight hours to constitute a day's work on works or undertakings carried on or aided by state, county or municipal government. (Utah XVI 6.)
Eight hours' actual work to constitute a lawful day's work on all state and municipal works. (Wyo. XIX Concerning Labor 1.)
SAFETY, *See above, this title,* HEALTH AND SAFETY.
VOTING, TIME ALLOWED FOR
Legislature to provide by law that employers shall allow employees, under reasonable regulations, at least four hours on election days in which to vote. (Ky. 148.)
WAGES
Minimum wage, *See above, this title,* MINIMUM WAGE.
On public work, *See above, this title,* PUBLIC WORK.
Wage-earners in state employed in factories, mines, workshops, or by corporations, to be paid in lawful money. (Ky. 244.)
No law to be passed fixing price of manual labor. (La. 51.)
Current wages not subject to garnishment. (Tex. XVI 28.)
Legislature at first session to protect laborers on public buildings, streets, roads, railroads, canals and other similar public works against failure of contractors or subcontractors to pay their current wages when due, and to make corporation, company or individual for whose benefit work done, responsible for ultimate payment. (Tex. XVI 35.)
Legislature to pass law to protect laborers on buildings, streets, roads, railroads, canals and other similar works against failure of contractors and subcontractors to pay current wages when due, and to make corporation, company or individual for whose benefit the work is done responsible for their payment. (La. 185.)
WOMEN
As to girls, *See above, this title,* CHILDREN.
Legislature may regulate hours and conditions of employment. (Mich. V 29.)
Legislature may provide for minimum wage for women. (Cal. XX 17½ (1914).)
Women not to be employed underground in operation of mines. (Okla. XXIII 4.)
Legislature to prohibit employment of women in underground mines. (Utah XVI 3.)
No woman to be employed or permitted to be employed in or about any coal, iron, or other dangerous mine for purpose of employment therein. Not applicable to employment of women in office or in performance of clerical work at mine or colliery. (Wyo. IX 3.)

LAKES, *See* WATERS.

LAW OF LAND, *See* LIFE, LIBERTY AND PROPERTY.

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LAWS

AMENDMENT

Any general law subject to amendment. (Va. IV 64.)

Amendment of criminal statute not to affect prosecution of punishment of any crime committed before amendment. (Fla. III 32.)

No resolution to have effect of altering or extending any law. (Mo. V 14.)

No section of code to be amended by mere reference to number or section; amending act to describe distinctly law amended as well as alteration to be made. (Ga. III Sec. VII 17.)

Method, *See* LEGISLATIVE PROCEDURE — FORM OF BILLS.

For prohibition of amendment of general law so as to serve purpose of private, local or special law, *See* SPECIAL OR LOCAL LAWS.

DEFECTS AND OMISSIONS IN

Reports by judge of supreme court of defects in constitution or laws to be transmitted by governor to legislature with his message. (Nebr. V 22.)

To be reported by judges of supreme court to governor before December 1st of each year; governor to transmit report to legislature with message. (Ida. V 25.)

May be reported at any time by district judges to supreme court; supreme court to report any defects and omissions to governor on or before December 1st of each year. (Tex. VIII 22.)

To be reported by judges of inferior courts of record, on or before June 1st of each year, to supreme court; judges of supreme court to report to governor with appropriate bills to remedy on or before January 1st of each year. (Ill. VI 31.)

To be reported in writing, with appropriate bills to remedy, by judges of inferior courts of record to supreme court on or before July 1st; supreme court to report to governor on or before December 1st, which report to be transmitted to legislature with governor's message. (Colo. VI 27.)

May be reported at any time by judges of inferior courts to supreme court; to be reported in writing by judges of supreme court to governor before December 1st of each year. (Utah VIII 22.)

To be reported by superior court judges to supreme court on or before November 1st of each year; to be reported by supreme court judges to governor on or before January 1st of each year. (Wash. IV 25.)

Judges of circuit court to report to attorney-general at least 30 days before each session of legislature such defects as brought to their attention and to suggest such amendments or additional legislation as necessary; attorney-general to report to legislature at each session such legislation as he deems advisable. (Fla. V 13.)

DIGEST OF, *See below, this title,* REVISION AND DIGEST.

ENACTMENT, PROCEDURE, *See* "LEGISLATIVE PROCEDURE", *and* "INITIATIVE AND REFERENDUM".

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LAWS (*Cont'd*)

ENFORCING CONSTITUTION

Legislature to pass such laws as necessary. (Ala. XVII 282; Ariz. XXII 21; Del. Sched. 19; Ida. XXI 15; Ill. Sched. 19; Iowa XII 1; Mo. Sched. 15; Nebr. XVI 20; N.J. X 12; N.M. XXII 21; N.D. II 68; Okla. V 45; Pa. Sched. 31; R.I. IV 1; Va. Sched. 20; Wyo. XXI 14.)

Legislature to have power to pass all laws necessary and proper for carrying into execution powers vested by constitution. (Md. III 56.)

EQUAL PROTECTION OF

No person to be denied equal protection of laws. (N.M. II 18; S.C. I 5.)

EXECUTION OF, *See* EXECUTIVE POWER.

EXISTING TO REMAIN IN FORCE

Until amended or repealed, except such as are inconsistent with constitution. (Ala. Sched. 1; Ark. Sched. 1; Cal. XXII 1; Ky. Sched. 1; Mass Pt. II Ch. VI 6; Mo. Sched. 1; Ohio Sched. 1912; Ore. XVIII 7.)

Until expiring by own limitation altered or repealed, except such as are inconsistent with constitution. (Ariz. XXII 2; Conn. X 3; Fla. XVIII 2; Ida. XXI 2; Iowa XII 2; Kan. Sched. 4; Me. X 1; Minn. Sched. 2; Miss. Sched. 274; Nev. XVII 2; N.M. XXII 4; N.D. Sched. 2; S.C. XVII 10, 11; Tenn. XI 1; Utah XXIV 2; Va. Sched. 1; Wash. XXVII 2; Wyo. XXI 3.)

Laws of state, not repugnant to constitution of state or Constitution and laws of United States, until lawfully altered. (N.C. IV 19.)

Existing laws, not inconsistent with constitution, to remain in force except as altered by future laws. (Del. Sched. 18.)

Laws, not repugnant to constitution, and not locally inapplicable, in force at time of admission of state, to remain in force until they expire or are altered or repealed. (Okla. Sched II.)

All laws in force not repugnant to Constitution of United States and constitution of state to remain in force until they expire or are altered or repealed. (Mont. XX 1; Tex. XVI 48.)

Laws in force at time of adoption constitution not inconsistent therewith, and constitutional when enacted, to remain in full force and effect until altered or repealed by legislature or until they expire. (La. 326.)

Laws now in force not inconsistent with constitution, and ordinances of constitutional convention, to remain in force till modified or repealed by legislature, to be subordinate to United States and state constitutions. (Ga. XII Sec. I 3, 4.)

All laws heretofore adopted, used and approved in colony or state, and usually practiced on in courts of law, to remain and be in full force until altered and repealed, such parts thereof only accepted as are repugnant to constitution. (N.H. Pt. II 89.)

All laws already in force, not repugnant to constitution, to remain in force until they expire by their own limitation, or altered or

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LAWS (*Cont'd*)

EXISTING TO REMAIN IN FORCE (*Cont'd*)

repealed by legislature. Common law in force not repugnant to constitution to remain until altered or suspended by legislature. (Wis. XIV 2, 13.)

Common law and statute laws, not repugnant to constitution, to remain in force until expiring by own limitation or altered or repealed by legislature. (Mich. Sched. 1; N.J. X 1.)

Common law and acts of legislature of colony and of state not repugnant to constitution, to continue to be law, subject to alteration by legislature. (N.Y. I 16.)

Common law and acts of legislature not repugnant to constitution to continue in force until altered or repealed by legislature. (W.Va. VIII 21.)

All law, common and statutory, if not inconsistent with constitution. (Ill. Sched. 1; Nebr. XVI 1; Pa. Sched 1, 2.)

Statutes, public and private, not repugnant to constitution, to continue in force until expiring by own limitation or are repealed. (R.I. XIV 1.)

In force in Virginia, June 1, 1792, of a general nature not local to that state and not repugnant to this constitution or to laws enacted by legislature of this commonwealth to be in force till altered or repealed by legislature. (Ky. 233.)

Local and private acts for benefit of counties, cities, towns, corporations and private persons, not inconsistent with supreme law or with constitution, which have not expired or been repealed, to remain in force, subject to judicial decision as to validity when passed, and to limitations imposed by their own terms. (Ga. XII Sec. I 4.)

All laws and ordinances now in force applicable to city of Baltimore, not inconsistent with constitution, to be continued until changed in due course of law. (Md. XI 8.)

Laws relative to present judicial system of state to be applicable to judicial system created by constitution until changed by legislature. (Cal. XXII 11.)

Laws exempting property from sale on execution or by decree of court, which were in force at time of adoption of constitution of 1868, to remain in force with regard to contracts made before that time. (Ark. Sched. I.)

Act of territory entitled "Act to Punish Polygamy and Other Kindred Offenses", approved 1892, so far as same defines penalties for polygamy, declared to be in force in state. (Utah XXIV 2.)

Provisions of all laws inconsistent with constitution to cease upon adoption thereof, except that all laws inconsistent with such provisions of this constitution as require legislation to enforce them, to remain in full force until July 1, 1880, unless sooner altered or repealed by legislature. (Cal. XXII 1.)

Same; except date July 1, 1877. (Mo. Sched. I.)

Same; except laws to remain in force until legislation is had, not longer than six years unless sooner amended or repealed. (Ky. Sched. I.)

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LAWS (*Cont'd*)
EX POST FACTO, *See* EX POST FACTO LAWS.
GENERAL LAWS
Enactment Provided for
Legislature to pass general laws for cases in which special, private or local laws prohibited. (Ala. IV 104.)
Same; such laws to be uniform in their operation. (Ind. IV 23; Iowa III 30; Minn. IV 34; Nev. IV 21; S.C. III 34; Wis. IV 32.)
Legislature to pass general laws in cases in which special and local laws prohibited and in all cases where provision can be so made. (Md. III 33; N.J. IV Sec. VII 11; N.Y. III 18; Va. IV 64; W.Va. VI 39.)
Legislature to provide as far as practicable by general laws for all matters usually appertaining to special or private legislation. (Me. IV Sec. III 13.)
Legislature to pass general laws under which local and private interests provided for and protected. (Ala. IV 109.)
Prohibition on passage of local or special laws not to prohibit legislature from enacting special provisions in general laws. (S.C. III 34.)
Uniformity of Operation
All laws of general nature to have uniform operation. (Cal. I 11; Ga. I Sec. IV 1; Ind. IV 23; Iowa I 6, III 30; Kan. II 17; Minn. IV 34; Nev. IV 21; N.D. I 11; Ohio II 26; Okla. V 59; Utah I 24; Wyo. I 34.)
Exemption from
Individual, private corporation, or association not to be exempted from operation of any general law. (Ala. IV 108; Va. IV 64.)
Exempting individual, private corporation or association from operations of general law by local, private or special law prohibited. (Ala. IV 104.)
No special or local law to be enacted indirectly by exempting from operation of general act in city or town, district or county. (Ky. 60.)
No man or set of men ever to be exempted, relieved or discharged by special law from performance of public duties or service imposed by general law; exemptions to be made only by general law. (Tex. XVI 43.)
No person to be exempted from civil duty by local, private or special law. (Ala. IV 104; Miss. IV 90.)
Suspension, *See below, this title,* SUSPENSION.
IMPAIRING OBLIGATIONS OF CONTRACTS, *See* CONTRACTS.
LEGISLATION BY REFERENCE, *See* LEGISLATIVE PROCEDURE — FORM OF BILLS.
LOCAL OR PRIVATE LAWS, *See* SPECIAL OR LOCAL LAWS.
PUBLIC LAWS, STATUTES TO BE
Unless otherwise declared in statute itself. (Del. II 23; Ind. IV 27; Ore. IV 27; S.C. VI 4.)

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LAWS (*Cont'd*)

PUBLICATION

In General

Legislature to provide for. (Colo. XVIII 8.)

To be officially published. (Utah VI 25.)

Legislature to provide for publication of all additions and alterations made to code of laws. (Md. III 29.)

Legislature to provide for speedy publication of all statute laws. (Kan. II 19; Wis. VII 21.)

Legislature to provide for speedy publication and distribution of all laws enacted. (Fla. XVI 6.)

All public acts to be printed and published immediately after each adjournment or prorogation of legislature. (N.H. II 23.)

Legislature to provide for speedy publication of all statutes; to be free for publication by any person. (N.Y. VI 21.)

To provide for speedy publication of all statute laws of general nature; all laws to be free for publication by any person. (Nev. XV 8.)

To be published in book form within 60 days after final adjournment of session at which passed and distributed as prescribed by law; all laws to be free for publication by any person. (Mich. IV 39.)

To be published in book form within 60 days after adjournment of each session and distributed among counties in such manner as legislature may provide. (Nebr. III 24.)

Every law to be recorded in office of court of appeals and in due time printed, published and certified under great seal in several courts. (Md. III 30.)

Governor to take care that laws are distributed. (Mo. V 6.)

As prerequisite to taking effect of act, *See* LEGISLATIVE PROCEDURE — TIME WHEN ACT TAKES EFFECT.

Language

All laws of state to be preserved and published in English language only. (Ill. Sched. 18.)

To be promulgated and preserved in English language. (Mich. XVI 6.)

To be published and preserved in no other than English language. (Cal. IV 24.)

To be promulgated and preserved in the English language; but legislature may provide for publication in French. (La. 165.)

Laws to be published in both English and Spanish for first 20 years after constitution takes effect; thereafter publication to be made as provided by legislature. (N.M. XX 12.)

Statement of Receipts and Expenditures to Be Attached

Accurate statement of receipts and expenditures of public money to be attached to and published with laws passed at every regular session of legislature. (Cal. IV 22; Fla. III 19; Ind. X 4; Iowa III 18; Md. III 32; Mich. X 17; Nev. IV 19; Ore. IX 5; Tenn. II 24.)

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LAWS (*Cont'd*)

PUBLICATION (*Cont'd*)

Statement of Receipts and Expenditures to Be Attached (*Cont'd*)

Accurate statement of receipts and expenditures of public money to be published with laws of each regular session in manner directed by law. (S.C. X 8.)

Treasurer to publish in each volume of acts of legislature detailed statements of receipts and expenditures. (Minn. IX 11.)

Constitution to Be Attached, *See* CONSTITUTION OF STATE.

REPEAL

For method, See LEGISLATIVE PROCEDURE — FORM OF BILLS — REPEAL OF ACTS.

Not to affect any accrued right, or penalty incurred, or proceedings begun by virtue of such repealed statute. (Okla. V 54.)

No person to be exempt from prosecution and punishment for crime or offense against any law by reason of its subsequent repeal. (N.M. IV 33.)

Repeal of criminal statute not to affect prosecution or punishment of crime committed before repeal. (Fla. III 32.)

Repeal of statute not to revive statute previously repealed by such statute. (Okla. V 54.)

No resolution to have effect of repealing any law. (Mo. V 14.)

Any general law subject to repeal. (Va. IV 64.)

RETROACTIVE LAWS, *See* RETROSPECTIVE LAWS.

REVISION AND DIGEST

For revision by reference to title only, See LEGISLATIVE PROCEDURE — FORM OF BILLS.

For passage of bills revising laws or adopting code, See LEGISLATIVE PROCEDURE — PASSAGE OF BILLS.

No general revision of laws to be made; legislature to provide for compilation of laws, arranged without alteration under appropriate heads and titles; to be prepared under direction of commissioner appointed by governor who may recommend to legislature repeal of obsolete laws and shall examine the compilations and certify to correctness; when so certified compilation to be printed as prescribed by law. (Mich. IV 40.)

Laws, civil and criminal, to be revised, digested, arranged, published and promulgated at such times and in such manner as legislature may direct. (Ark. XIX 17.)

Legislature to provide for revising, digesting, and promulgating statutes of state every 10 years. (Okla. V 43.)

Legislature to provide for revision, digest and publication of laws civil and criminal every 10 years. (Tex. III 43.)

Statute law of general nature, both civil and criminal, to be revised, digested and promulgated every 10 years in such manner as legislature may direct. (Mo. IV 41.)

Legislature to provide for appointment of commissioner to collect and revise statute laws, to index and arrange statutes when passed, and to codify the general statutes. Commissioner to report to legislature at end of every period of not more than 10 years; report to be printed and copy given to each member but not to be

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LAWS (*Cont'd*)

REVISION AND DIGEST (*Cont'd*)

considered until next session. Code to be declared, by act duly passed, to be only general statute law; but no alterations or additions thereto to be made except by bill duly passed. (S.C. VI 5.)

Legislature to provide for revising, digesting and promulgating public statutes of general nature, both civil and criminal, every 12 years. (Ala. IV 85.)

REVIVAL

See LEGISLATIVE PROCEDURE — FORM OF BILLS.

Adoption of constitution not to have effect or to be construed to revive or put in force any law heretofore abrogated or repealed. (Miss. Sched. 285.)

SANGUINARY LAWS, *See* CRIMES — PUNISHMENT.

SPECIAL LAWS, *See* SPECIAL OR LOCAL LAWS.

SUBJECT, TO CONTAIN ONE ONLY, *See* LEGISLATIVE PROCEDURE — FORM OF BILLS — ONE SUBJECT ONLY.

SUSPENSION

For suspension of execution of laws, See EXECUTIVE POWER.

By What Authority

No power of suspending to be exercised except by legislature. (Ala. I 21; Ark. II 12; Ohio I 18; Tex. I 28.)

Power of suspending to be exercised only by legislature or by its authority. (Ky. 15; La. 168; Me. I 13; Pa. I 12; S.D. VI 21.)

Power of suspending to be exercised only by legislature or by its authority in particular cases expressly provided for by it. (S.C. I 13.)

Power of suspending ought never to be exercised but by legislature or authority derived therefrom, to be exercised only as legislature expressly provides. (Mass. I 20; N.H. I 29.)

Power of suspending ought never to be exercised but by legislature or by authority derived from it, to be exercised in such particular cases as constitution or legislature provides. (Vt. I 15.)

No power of suspending, unless by or derived from legislature, ought to be exercised or allowed. (Md. D.R. 9.)

Power of suspending not to be exercised but by authority of legislature. (Del. I 10.)

Operation of laws not to be suspended except by authority of legislature. (Ind. I 26; Ore. I 22.)

Power of suspending by any authority ought never to be exercised without consent of representatives of people. (Va. I 7.)

Power of suspending laws by any authority, without consent of representatives of people, is injurious to their rights and ought not to be exercised. (N.C. I 9.)

For Benefit of Individual

Legislature to have no power to suspend general law for benefit of individual. (Tenn. XI 8.)

Operation of general law not to be suspended for benefit of individual, private corporation or association. (Ala. IV 108; Miss. IV 87; Va. IV 64.)

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LAWS (*Cont'd*)
TAKING EFFECT OF
Time, *See* "LEGISLATIVE PROCEDURE — TIME WHEN ACT TAKES EFFECT"; "LEGISLATIVE PROCEDURE — EMERGENCY MEASURES".
Upon What Authority Depending
No law, except in specified cases, to be enacted to take effect upon approval of any other authority than legislature. (Ky. 60.)
No law, except as such as relates to public schools, to be passed to take effect upon approval of any other authority than legislature, except as otherwise provided in constitution. (Ohio II 26.)
No law to be passed, taking effect of which made to depend upon any authority except as provided in constitution. (Ind. I 25.)
Same; but laws locating capital of state, locating county seats, and submitting town and corporate acts, and other local and special laws, may take effect on vote of electors interested. (Ore. I 21.)
Local laws for inspection of cattle, stock and hides and for regulation of brands to be submitted to freeholders of section affected and approved by them before going into effect. (Tex. XVI 23.)
Local or special act not to take effect until approved by majority of electors voting thereon in district to be affected. (Mich. V 30.)
As to ratification of banking law by people, *See* BANKS — LAWS.
TITLE, *See* LEGISLATIVE PROCEDURE — TITLE.
UNCONSTITUTIONALITY
See CONSTITUTION OF UNITED STATES.
See CONSTITUTION OF STATE — UNCONSTITUTIONALITY OF LAWS.

LEGISLATIVE PROCEDURE
ACTS TO CONTAIN ONE SUBJECT ONLY, *See below, this title,* FORM OF BILLS.
AMENDMENT OF ACTS
For method of amendment, See below, this title, FORM OF BILLS.
INITIATIVE AND REFERENDUM, *See* INITIATIVE AND REFERENDUM.
JOINT RESOLUTIONS, *See below, this title,* JOINT RESOLUTIONS.
LEGISLATION BY REFERENCE, *See below, this title,* FORM OF BILLS.
LOCAL LAWS, *See* SPECIAL OR LOCAL LAWS.
ORDERS, *See below, this title,* JOINT RESOLUTIONS.
PRIVATE LAWS, *See* SPECIAL OR LOCAL LAWS.
REPEAL OF ACTS
For the method of repeal, See below, this title, FORM OF BILLS.
REVIVAL OF ACTS, *See below, this title,* FORM OF BILLS.
REVISION OF ACTS
For the method of revision, See below, this title, FORM OF BILLS.
SPECIAL LAWS, *See* SPECIAL OR LOCAL LAWS.
IMPEACHMENT, *See* IMPEACHMENT.

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LEGISLATIVE PROCEDURE (*Cont'd*)

ENACTMENT OF LAWS

To be enacted by bill only. (Ala. IV 61; Ark. V 21; Cal. IV 15; Colo. V 17; Ida. III 15; Ind. IV 1; Kan. II 20; Mich. V 19; Miss. IV 60; Mont. V 19; Mo. IV 25; Nebr. III 10; Nev. IV 23; N.M. IV 15; N.Y. III 14; Pa. III 1; Tex. III 30; Va. IV 50; Wash. II 18; Wis. IV 17; Wyo. III 20.)

All laws to be passed by original bill. (Md. III 29.)

No law to be passed except by bill adopted by both houses. (N.D. II 58.)

Concurrence of both houses necessary in. (R.I. IV 2.)

ORIGIN OF BILLS

In General

May originate in either house. (Cal. IV 17; Fla. III 14; Ida. III 14; Ill. IV 12; Ind. IV 17; Iowa III 15; Kan. II 12; Md. III 27; Mich. V 19; Miss. IV 59; Mo. IV 26; Nebr. III 9; Nev. IV 16; N.M. IV 15; N.Y. III 13; N.D. II 57; Ohio II 15; Ore. IV 18; S.C. III 15; S.D. III 20; Tenn. II 17; Tex. III 31; Wash. II 20; W.Va. VI 28; Wis. IV 19.)

Bills, orders or resolutions may originate in either house. (Me. IV Pt. III 9.)

Appropriating Money

To originate only in lower house. (Nebr. III 9.)

In lower house, but senate may propose or concur in amendments as on other bills. (Ga. III Sec. VII 10.)

For Raising Revenue

To originate in lower house. (Ida. III 14; Ind. IV 17; Ore. IV 18.)

To originate in lower house, but may be altered, amended or rejected by senate. (S.C. III 15; Tex. III 33.)

To originate in lower house, but senate may propose amendments. (Ala. IV 70; Colo. V 31; Del. VIII 2; Ga. III Sec. VII 10; La. 37; Minn. IV 10; Mont. V 32; N.J. IV Sec. VI 1; Okla. V 33; Pa. III 14; Vt. II 6; Wyo. III 33.)

Same; no new matter to be introduced, under color of amendment, which does not relate to raising revenue. (Ky. 47.)

All money bills to originate in lower house, but senate may propose or concur with amendments. (Mass. Pt. II Ch. 1 Sec. III 7; N.H. II 17.)

INTRODUCTION OF BILLS

Action to Be Taken at Same Session

No bill to be acted upon at any session unless introduced at such session. (N.M. IV 19.)

Entering on Journal

Bills and joint resolutions to be described by title and number. (W.Va. VI 41.)

Limitation on Time of

No new bill to be introduced into either house during last three days of session. (Ark. V 34; Miss. IV 67.)

Not to be introduced in either house 40 days after commencement of each session without consent of three-fourths of members thereof. (Cal. IV 2.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

INTRODUCTION OF BILLS (*Cont'd*)

Limitation on Time of (*Cont'd*)

No bill to be passed unless presented, referred to committee, and reported therefrom at least three days before final adjournment. (Tex. III 37.)

Not to originate in either house during last 10 days of session, unless two-thirds of members elected thereto so determine by yeas and nays. (Md. III 27.)

Not to be considered in either house unless introduced at least 10 days before final adjournment, unless legislature otherwise direct by vote of two-thirds of all members by yeas and nays and entered upon journal or unless same be at a special session. (Wash. II 36.)

No new bill to be introduced in either house, except on written request of governor, during last 20 days of session, except attention of legislature be called to important matter of general interest by special message of governor. (Minn. IV I.)

After expiration of 20 days of session no bills, nor joint resolutions of nature of bills, to be introduced unless governor by special message calls attention to necessity of passing a law on subject matter embraced in message; introduction of bills to be restricted thereto, provided that general appropriation bills may be introduced up to and including fortieth day. (Nebr. III 4.)

No bill (except general appropriation bills for expenses of government), introduced in either house after first 30 days in session, to become law. (Colo. V 19.)

No appropriation bill, except for expenses of government, to be introduced within 10 days of close of session except by unanimous consent of house. (Mont. V 21.)

No bill for appropriation of money, except for expenses of government, to be introduced after fortieth day of session, except by unanimous consent of house. (N.D. II 60.)

No bill for appropriation of money, except for expenses of government, to be introduced within five days of close of the session, except by unanimous consent of the particular house. (Wyo. III 22.)

No bill for appropriation of money, except for current expenses of government and no bill for the increase of compensation of any office or for the creation of any lucrative office, to be introduced after the tenth day prior to the expiration of session, except by unanimous consent of the particular house. (N.M. IV 19.)

Rejected Bills

For introduction of rejected ordinances or resolutions, See below, this title, JOINT RESOLUTIONS.

If defeated by either house, no bill containing same substance to be passed during same session. (Tenn. II 19; Tex. III 34.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

INTRODUCTION OF BILLS (*Cont'd*)

Rejected Bills (*Cont'd*)

No bill, if rejected by either house, to be again proposed in same house during same session under same or any other title without consent of majority of house by which rejected. (La. 38.)

No bill, if rejected in either house, to be again proposed during same session under same or any other title without consent of two-thirds of house by which rejected. (Ga. III Sec. VII 13.)

ENACTING CLAUSE

Form

For measures under initiative and referendum, See INITIATIVE AND REFERENDUM.

Be it enacted by the state of. (Ariz. IV 24.)

Be it enacted by the people of the state of. (Nebr. III 10; Okla. V 3; Ore. IV 1.)

The people of the state of enact. (Mich. V 20.)

The people of the state of do enact as follows. (Cal. IV 1.)

Be it enacted by the legislature of. (Ala. IV 45; W.Va. VI 1.)

Be it enacted by the general assembly of. (Md. III 29.)

Be it enacted by the legislature of the state of. (Fla. III 15; Ida. III 1; Kan. II 20; Minn. IV 13; Miss. IV 56; N.M. IV 15; S.D. III 18; Tex. III 29; Utah VI 22; Wash. II 18; Wyo. III 21.)

Be it enacted by the general assembly of the state of. (Ark. V 19; Colo. V 18; Ind. IV 1; Iowa III 1; La. 22; Mo. IV 24; Ohio II 18; S. C. III 16; Tenn. II 20.)

Be it enacted by the general assembly of the commonwealth of. (Ky. 62.)

It is enacted by the general assembly as follows. (R.I. IV 2.)

The general assembly of do enact. (N.C. II 21.)

It is hereby enacted by the general assembly of the state of. (Vt. II 10.)

Be it enacted by the legislative assembly of the state of. (Mont. V 20; N.D. II 59.)

Be it enacted by the senate and general assembly of the state of. (N.J. IV Sec. VII 5.)

Be it enacted by the senate and house of representatives in legislature assembled. (Me. IV Pt. I 1.)

Be it enacted by senate and house of representatives in general court convened. (N.H. II 91.)

The people of the state of , represented in senate and assembly, do enact as follows. (Nev. IV 23; N.Y. III 14; Wis. IV 17.)

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same. (Mass. Pt. II Ch. VI 8.)

Be it enacted by the people of the state of , represented in the general assembly. (Ill. IV 11.)

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LEGISLATIVE PROCEDURE (*Cont'd*)
ENACTING CLAUSE (*Cont'd*)
Need Not Be Repeated
But act may be divided into sections according to substance, and section designated merely by figures. (Ala. IV 45.)
FORM OF BILLS
Amendment of Acts
For the amendment of bills, See below, this title, AMENDMENT OF BILLS.
Effect of, See LAWS.
Amending Code
In amending article or section of code of laws, same to be enacted as article or section would read when amended. (Md. III 29.)
In General
No law to be amended unless new act contain section or sections amended; section or sections so amended to be repealed. (Kan. II 16; Nebr. III 11; Ohio II 16.)
Not to be amended by providing that designated words be stricken out or be inserted, or be stricken out and others inserted in lieu thereof; but words to be stricken out, or to be inserted, or to be stricken out and others to be inserted in lieu thereof, together with act or section to be amended, to be set forth in full as amended. (Mo. IV 34.)
Act to recite in caption or otherwise title or substance of law amended. (Tenn. II 17.)
By Reference to Title Only
Prohibited. (Md. III 29.)
Prohibited; section amended to be inserted at large. (Ariz. IV 14; Ill. IV 13; Miss. IV 61; N.J. IV Sec. VII 4; W.Va. VI 30.)
Prohibited; so much as is amended to be re-enacted and published at length. (Ala. IV 45; Ark. V 23; Colo. V 24; La. 32; Okla. V 57; Pa. III 6; Tex. III 36; Va. IV 52.)
Prohibited; so much as is revised or amended to be re-enacted and published at length. (Ida. III 18; Ky. 50; Mont. V 25; N.M. IV 18; N.D. II 64; Wyo. III 26.)
Prohibited; act revised or section amended to be set forth at full length. (Ore. IV 22; Wash. II 37.)
Prohibited; act as revised, or section as amended, to be re-enacted and published at length. (Cal. IV 24; Fla. III 16; Ind. IV 21; Mich. IV 21; Nev. IV 17; Utah VI. 22.)
No law or section of code to be amended by mere reference to title or to number or section of code; amending act to describe distinctly law amended as well as alteration to be made. (Ga. III Sec. VII 17.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

FORM OF BILLS (*Cont'd*)

Arrangement

Every public general law to be enacted in articles and sections in same manner as code is arranged. (Md. III 29.)

Style of laws need not be repeated, but act may be divided into sections according to substance, and sections designated merely by figures. (Ala. IV 45.)

Enacting Clause, *See above, this title,* ENACTING CLAUSE.

General Laws, No Special Provisions in

Not to embrace any provision of private, special or local character. (N.J. IV Sec. VII 4.)

Legislation by Reference

In General

Act or part of act incorporated or referred to as applicable, to be inserted at length. (N.J. IV Sec. VII 4.)

Act or part of act incorporated or referred to as applicable, to be inserted, except in case of bill, or amendments to bill, reported to legislature by commissioners appointed to revise statutes. (N.Y. III 17.)

Not to adopt any system or code of laws by general reference thereto, but to recite at length the several provisions of the laws it may enact. (La. 33:)

By Reference to Title Only

Provision of law not to be thus extended; each section extended to be set out in full. (N.M. IV 18.)

Provisions of act not to be thus extended; so much as is extended to be re-enacted and published at length. (Ark. V 23; Mont. V 25; Wyo. III 26.)

Provisions of act not to be thus extended or conferred; so much as is extended or conferred to be re-enacted and published at length. (Ala. IV 45; Colo. V 24; Ky. 51; Okla. V 57; Pa. III 6.)

Provisions of act not to be thus extended or incorporated; but so much as is extended or incorporated to be re-enacted and published at length. (N.D. II 64.)

One Subject Only

For the effect of a failure to express subject in title, See below, this title, TITLE.

Bills making appropriations for pay of members and officers of legislature, See APPROPRIATIONS — CONTENTS OF BILLS.

General Rule

No bill embracing more than one subject to be passed. (N.M. IV 16.)

Every law to embrace but one subject to be expressed in title. (Cal. IV 24; Ky. 51; La. 31; Md. III 29; Mich. V 21; Minn. IV 27; N.J. IV Sec. VII 4; S.D. III 21; Va. IV 52.)

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LEGISLATIVE PROCEDURE (*Cont'd*)
FORM OF BILLS (*Cont'd*)
One Subject Only (*Cont'd*)
General Rule (*Cont'd*)
Each act to contain but one subject to be clearly expressed in title. (Ala. IV 45; Ill. IV 13; Nebr. III 11; Okla. V 57; W.Va. VI 30.)
Each act to embrace but one subject and matters properly connected therewith, which subject to be expressed in title. (Ariz. IV 13; Ida. III 16; Ind. IV 19; Iowa III 29; Ore. IV 20.)
Each law to embrace but one subject and matters properly connected therewith, which subject to be briefly expressed in title. (Fla. III 16; Nev. IV 17.)
No bill to embrace more than one subject, to be expressed in title. (N.D. II 61; Tex. III 35; Wash. II 19.)
No bill to contain more than one subject to be clearly expressed in title. (Kan. II 16; Mo. IV 28; Ohio II 16.)
No bill or joint resolution to embrace more than one subject, to be expressed in title. (Del. II 16.)
Every act or resolution having force of law to relate to but one subject, and that to be expressed in title. (S.C. III 17.)
No bill to be passed containing more than one subject, to be clearly expressed in title. (Colo. V 21; Mont. V 23; Pa. III 3; Utah VI 23; Wyo. III 24.)
No bill to become law which embraces more than one subject, that subject to be expressed in title. (Tenn. II 17.)
No law or ordinance to pass which refers to more than one subject matter or contains matter different from what is expressed in title thereof. (Ga. III Sec. VII 8.)
No private or local bill to embrace more than one subject, to be expressed in title. (N.Y. III 16; Wis. IV 18.)
Exceptions
Bills appropriating money for public purposes. (Del. II 16.)
General revenue bills. (Ala. IV 45; Okla. V 57.)
General appropriation bills. (Colo. V 21; Mont. V II; N.M. IV 16; Okla. V 57; Pa. III 3; Utah VI 23; Wyo. III 24.)
General appropriation bills, which may embrace the various subjects and accounts for and on account of which money appropriated. (Mo. IV 28; Tex. III 35.)
Bills adopting or revising laws. (Tex. III 43.)
Bills for codification and general revision of laws. (Mont. V 23; N.M. IV 16; Utah VI 23; Wyo. III 24.)
Bills adopting code, digest or revision of statutes. (Ala. IV 45; Okla. V 57.)
Certain specified tax bills. (Mo. IV 28.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

FORM OF BILLS (*Cont'd*)

Phraseology

Every act or joint resolution to be plainly worded, avoiding as far as practicable use of technical terms. (Ida. III 17; Ind. IV 20; Ore. IV 21.)

Repeal of Acts

For the effect of repealing, See LAWS.

Repealing act to recite, in caption or otherwise, title or substance of law repealed. (Tenn. II 17.)

No law or section of code to be repealed by mere reference to title and to number and section of code; repealing act to describe distinctly law repealed. (Ga. III Sec. VII 17.)

Revision of Acts by Reference to Title Only

Prohibited; act as revised to be re-enacted and published at length. (Cal. IV 24; Fla. III 16; Ind. IV 21; Mich. IV 21; Nev. IV 17; Utah VI 22.)

Prohibited; act revised to be set forth at full length. (Ore. IV 22; Wash. II 37.)

Prohibited; so much as is revised to be re-enacted and published at length. (Ida. III 18; Ky. 51; Mont. V 25; N.M. IV 18; N.D. II 64; Wyo. III 26.)

Revival of Acts

In General

Act to recite in caption or otherwise title or substance of law revived. (Tenn. II 17.)

No law to be revived unless new act contains entire act revived. (Kan. II 16; Ohio II 16.)

General Revision of Laws

In adopting general revision of laws, civil and criminal, prohibition against reviving by section or title is not applicable. (Tex. III 43.)

By Reference to Title Only

No law nor section of law to be thus revived. (Md. III 29.)

Prohibited; law revived to be inserted at large. (Ill. IV 13; N.J. IV Sec. VII 4; W.Va, VI 30.)

Prohibited; so much as is revived to be re-enacted and published at length. (Ala. IV 45; Ark. V 23; Colo. V 24; La. 32; Miss. IV 61; Okla. V 57; Pa. III 6; Tex. III 36; Va. IV 52.)

No act to be thus revived or re-enacted, but to be set forth at length as if an original act. (Mo. IV 33.)

Title, *See below, this title*, TITLE.

TITLE

Approval of

Committee, to which bill referred, to express in writing its judgment of sufficiency of title, whether recommendation be that bill pass or do not pass. (Miss. IV 71.)

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LEGISLATIVE PROCEDURE (*Cont'd*)
TITLE (*Cont'd*)
Rights or Powers not Granted by
No law to be construed by reason of its title to grant powers or confer rights not expressly contained in body of act. (Md. III 29.)
To Express Subject of Bill
General Rule
See also above, this title, FORM OF BILLS — ONE SUBJECT ONLY.
Subject to be clearly expressed in. (N.M. IV 16.)
Every bill to have title which "ought to indicate clearly" subject matter or matters of proposed legislation. (Miss. IV 71.)
Exceptions
General appropriation bills, and for the codification and general revision of laws. (Utah VI 23.)
General appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes. (Ala. IV 45; Okla. V 57.)
Violation of Rule
If subject embraced in act which is not expressed in title, act to be void only as to so much thereof as is not expressed in title. (Ariz. IV 13; Cal. IV 24; Colo. V 21; Ida. III 16; Ill. IV 13; Ind. IV 19; Iowa III 29; Mont. V 23; N.M. IV 16; N.D. II 61; Okla. V 57; Ore. IV 20; Tex. III 35; W.Va. VI 30; Wyo. III 24.)
AMENDMENT OF BILLS
Amendment of Acts, *See above, this title,* FORM OF BILLS.
Allowed by House Other Than House of Origin
House in which bill did not originate may amend or reject. (Cal. IV 17; Ida. III 14; Ill. IV 12; Ind. IV 17; Iowa III 15; Kan. II 12; Me. IV Pt. III 9; Md. III 27; Miss. IV 59; Mo. IV 26; Ohio II 15; Ore. IV 18; S.C. III 15; Tenn. II 17; W.Va. VI 28.)
Bill to be approved or reviewed by house in which it did not originate, or may be amended by either with concurrence of other. (Va. IV 50.)
After passage in one house, bill may be amended in other. (Fla. III 14; Nebr. III 9; Nev. IV 16; N.Y. III 10; N.D. II 57; S.D. III 20; Tex. III 31; Wis. IV 19; Wash. II 20.)
Bills of Revenue, *See above, this title,* ORIGIN OF BILLS.
Change of Original Purpose
No bill to be so altered or amended on passage through either house as to change original purpose. (Ala. IV 61; Ark. V 21; Colo. V 17; Mich. V 22; Miss. IV 60; Mo. IV 25; Mont. V 19; N.M. IV 15; N.D. II 58; Pa. III 1; Tex. III 30; Wyo. III 20.)
No amendment to be allowed which changes scope or object of bill. (Wash. II 38.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

AMENDMENT OF BILLS (*Cont'd*)

Affirmative Vote Required

Majority of house. (Ala. IV 64.)

Entering Amendment and Vote on Journal

Amendment and names of those voting for and against to be entered at length on journal of house in which same is adopted. (Ala. IV 64.)

Concurrence in by Other House

Required

Bill may be amended by either house with concurrence of other. (Va. IV 50.)

Manner of Voting

By yeas and nays. (Ala. IV 64; Colo. V 23; La. 40; Miss. IV 62; Mo. IV 32; Pa. III 5; Va. IV 50; W.Va. VI 31.)

Affirmative Vote Required

Majority of members. (La. 40; Miss. IV 62.)

Majority of members elected thereto. (Colo. V 23; Mo. IV 32; Pa. III 5.)

Majority of all members to which such house entitled. (W.Va. VI 31.)

Majority of those voting, which must include at least two-fifths of members elected. (Va. IV 50.)

Entering Vote on Journal

Result to be entered. (W.Va. VI 31.)

Names of those voting to be recorded. (Colo. V 23.)

Names of members voting for and against to be recorded. (Ala. IV 64; La. 40; Miss. IV 62; Mo. IV 32; Pa. III 5; Va. IV 50.)

Printing of Amendments

For the printing of bills, See below, this title, PRINTING OF BILLS.

To be printed for use of members before final vote taken on bill. (Pa. III 4.)

All substantial amendments to be printed for use of members before final vote taken on bill. (Colo. V 22.)

All amendments adopted by either house to bill pending and originating in same, to be incorporated into bill by engrossment and bill as thus engrossed to be printed for use of members before final passage. Engrossing and printing to be under supervision of committee, whose report to set forth in writing that bill truly engrossed and that printed copy furnished is correct. If bill passed by either house, but returned thereto amended by other, house to which returned to have amendment printed for use of members before final action thereon. (Mo. IV 29, 30.)

Upon Last Reading

No amendment to be allowed. (N.Y. III 15.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

REFERENCE TO COMMITTEE

For committees in general, See LEGISLATURE—COMMITTEES.

In General

No bill to be considered for final passage unless reported by committee. (Ky. 46; La. 39; Mo. IV 27; Tex. III 37.)

No bills to be considered unless referred to committee and returned therefrom. (Pa. III 2.)

No bill to be considered or become law unless referred to committee and returned therefrom. (Colo. V 20; Mont. V 22; Wyo. III 23.)

No bill to become law until referred to committee of each house and returned therefrom with recommendations in writing. (Miss. IV 74.)

No bill to become law unless prior to passage referred to committee of each house and considered by such committee in session and reported. (Va. IV 50.)

No bill to become law until referred to standing committee of each house, acted upon by such committee in session and returned therefrom; such facts to appear affirmatively upon journal of each house. (Ala. IV 62.)

Limitation on Time

No bill to be passed unless presented, referred to and reported from committee at least three days before final adjournment. (Tex. III 37.)

Withdrawal of Bill from Committee

If committee refuse or fail to report bill in reasonable time, it may be called up by any member and be considered in same manner as if reported. (Ky. 46.)

Neither house to discharge committee from considering bill and consider same as if reported, except by yea and nay vote, names of members voting for and against to be entered on journal, and by affirmative vote of majority of those voting, which must include at least two-fifths of all members elected to each house. (Va. IV 50.)

Adoption of Report of Committee of Conference

In each house, by vote of majority of such house taken by yeas and nays and entered on journal. (Ala. IV 64; Miss. IV 62.)

In each house, by majority of members elected thereto, vote taken by yeas and nays and names of those voting for or against recorded in journal. (La. 40.)

In each house, by vote of majority of members elected, taken by ayes and noes and names of those voting recorded on journal. (Colo. V 23; Mo. IV 32; Pa. III 5.)

In each house by yea and nay vote, names of members voting for and against to be entered on journal, and by affirmative vote of majority of those voting, which must include at least two-fifths of members elected to each house. (Va. IV 50.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

READINGS OF BILLS

Readings of Joint Resolution, *See below, this title,* JOINT RESOLUTIONS.

At Length

On final passage. (Ala. IV 63; Cal. IV 15; Miss. IV 59; Okla. V 34.)

On third reading. (N.M. IV 15.)

To be read at length section by section on final passage. (Ida. III 15.)

Not to be considered for final passage unless read once in full. (La. 39.)

Twice in each house. (Colo. V 22; Minn. IV 20.)

On first and third readings; on second reading if demanded. (N.D. II 63; S.D. III 17.)

Three times in each house. (Ark. V 22; Ill. IV 13; Ky. 46; Nebr. III 11; Ohio II 16; Pa. III 4; Va. IV 50; W.Va. VI 29.)

By Sections

On final passage. (Ida. III 15; Kan. II 15.)

On second reading and on final passage; on first reading, if one-third of members present so desire. (Fla. III 17.)

Three times in each house. (Ariz. IV Pt. II 12; Ind. IV 18; Nev. IV 18; Ore. IV 19.)

By Title

When introduced. (Colo. V 22.)

On first reading in either house, unless one-third of members present desire it read by sections. (Fla. III 17.)

Second reading may be, unless reading at length demanded. (N.D. II 63; S.D. III 17.)

First and second readings of local bill or bank or railroad charter to be by title only, unless bill ordered to be engrossed. (Ga. III Sec. VII 7.)

Either house may provide by rule for first and third readings by title only. (S.C. III 18.)

Number of

Three times in each house. (Ala. IV 63; Ariz. IV 12; Ark. V 22; Cal. IV 15; Fla. III 17; Ga. III Sec VII 7; Ida. III 15; Ill. IV 13; Ind. IV 18; Kan. II 15; Ky. 46; La. 39; Md. III 27; Mich. V 23; Minn. IV 20; Miss. IV 59; Mo. IV 26; Nebr. III 11; Nev. IV 18; N.J. IV Sec. IV 6; N.M. IV 15; N.C. II 23; N.D. II 63; Okla. V 34; Ore. IV 19; Pa. III 4; S.C. III 18; S. D. III 17; Tenn. II 18; Tex. III 32; Utah VI 22; Va. IV 50; W.Va. VI 29.)

On Different Days

Required. (Ala. IV 63; Cal. IV 15; Fla. III 17; Ga. III Sec. VII 7; Ida. III 15; Ill. IV 13; Ind. IV 18; Kan. II 15; Ky. 46; La. 39; Md. III 27; Miss. IV 59; Mo. IV 26; Nebr. III 11; Nev. IV 18; Okla. V 34; Ore. IV 19; Pa. III 4; S.C. III 18; Tenn. II 18; Tex. III 32; Va. IV 50; W.Va. VI 29.)

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LEGISLATIVE PROCEDURE (*Cont'd*)
READINGS OF BILLS (*Cont'd*)
On Different Days (*Cont'd*)
Required, unless rule suspended by two-thirds of house, when bill may be read a second and third time on same day. (Ark. V 22.)
First and second readings may be on same day. (S.D. III 17.)
First and second readings, and those only, may be upon same day. (N.D. II 63.)
Not more than two of three readings to be on the same day. (N.M. IV 15.)
Dispensing With
Bill to be read three times on three separate days in each house unless in case of actual invasion or insurrection. (Ga. III Sec. VII 7.)
In case of urgency, three-fourths of house in which bill pending may dispense with rule requiring readings. (Ohio II 16.)
Not to become law unless read on three different days in each house, unless two-thirds of members elected to house where bill pending so determine by yeas and nays. (Md. III 27.)
In case of public necessity (to be stated in preamble or body of bill) four-fifths of house in which bill pending may suspend rule requiring readings; yeas and nays to be taken on question of suspension and entered on journal. (Tex. III 32.)
May be dispensed with in bill to codify laws and in case of emergency by vote of four-fifths of members voting in each house, taken by yeas and nays, names of members voting for and against to be entered on journal. (Va. IV 50.)
In case of urgency, two-thirds of house may dispense with reading on three different days, but not with reading at length on final passage. (Cal. IV 15; Miss. IV 59.)
In case of urgency, two-thirds of house may, by yeas and nays, dispense with provision requiring readings, but not with final reading at length. (Ida. III 15.)
In case of emergency, two-thirds of either house may dispense with rule; but reading by sections on final passage in no case to be dispensed with. (Ariz. IV Pt. II 12; Kan. II 15; Nev. IV 18; Ore. IV 19.)
In case of emergency two-thirds of house where bill pending may, by vote of yeas and nays, dispense with rule requiring readings; but reading by sections on final passage in no case to be dispensed with. (Ind. IV 18.)
Four-fifths of members present, on vote taken by yeas and nays, may dispense with rule requiring reading, but in all cases engrossed bill to be fully and distinctly read in each house. (W.Va. VI 29.)
Rule requiring reading by sections on second reading may be dispensed with by two-thirds of members present in house where bill pending. (Fla. III 17.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

READINGS OF BILLS (*Cont'd*)

Dispensing With (*Cont'd*)

Second and third readings may be dispensed with by majority of all members elected to house where bill pending. (Ky. 46.)

In case of urgency two-thirds of house where bill pending may dispense with rule requiring readings, but no bill to be passed by either house until read twice at length. (Minn. IV 20.)

Bills revising statutes or codes of state, or adopting criminal code as whole, to be read and promulgated as prescribed by legislature. (La. 39.)

Bill embodying general revision of entire laws not required to be read by sections upon final passage, and its reading may be wholly dispensed with by two-thirds vote. (Fla. III 17.)

Bills to provide for public peace, health and safety and the codification or revision of the laws are excepted from the provision requiring reading. (N.M. IV 15.)

After Passage

Title to be publicly read. (Mont. V 27.)

Title to be read immediately before signing. (Pa. III 9; S.D. III 19; Tex. III 38.)

Title to be publicly read immediately before signing. (Colo. V 26; N.D. II 66; Utah VI 24.)

Title to be publicly read immediately before signing, all other business being suspended. (Va. IV 50.)

To be read by title before signing; to be read in full on demand of any member. (Miss. IV 59.)

Title to be read and at request of any five members bill to be read in full. (La. 41.)

To be read at length in each house and compared. (Ky. 56.)

To be publicly read in full and fact of reading entered on journal. (N.M. IV 20.)

To be publicly read at length, but may be dispensed with by two-thirds vote of quorum present; yeas and nays on vote dispensing with to be entered on journal. (Okla. V 35.)

To be publicly read at length, but may be dispensed with by two-thirds vote of quorum present; fact of reading or of dispensing therewith to be entered on journal. (Ala. IV 66.)

PRINTING OF BILLS

For the printing of amendments, See above, this title, AMENDMENT OF BILLS.

General Rule

No bill to be considered unless printed for use of members. (Pa. III 2.)

Not to be considered for final passage unless printed for use of members. (Ky. 46; Mo. IV 27.)

No bill to be considered or become law unless printed for use of members. (Colo. V 20; Mont. V 22; Wyo. III 23.)

No bill to become law unless printed. (N.M. IV 15.)

No bill to be read third time until actually engrossed or printed. (Md. III 27.)

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LEGISLATIVE PROCEDURE (*Cont'd*)
PRINTING OF BILLS (*Cont'd*)
General Rule (*Cont'd*)
No bill to be put upon final passage until printed with amendments for use of members. (Cal. IV 15; Ida. III 15; Ill. IV 13; Nebr. III 11.)
No bill to become law unless printed by house in which it originated prior to passage therein. (Va. IV 50.)
No bill to be passed or become law until printed and in possession of each house for at least five days. (Mich. IV 22.)
Not to be passed or become law unless printed and upon desks of members in final form at least three calendar legislative days prior to final passage. (N.Y. III 15.)
Exceptions
Bills to provide for public peace, health or safety or codification and revision of laws. (N.M. IV 15.)
If governor or acting governor shall have certified, under his hand and seal of state, to necessity of immediate passage. (N.Y. III 15.)
Dispensing With
In case of urgency, two-thirds of house where bill pending, may by yea and nay vote dispense with provision requiring printing. (Ida. III 15.)
May be dispensed with in bill to codify laws and in case of emergency by vote of four-fifths of members voting in each house, taken by yeas and nays, names of members voting for and against to be entered on journal. (Va. IV 50.)
PASSAGE OF BILLS
Passage of Amendments, *See above, this title,* AMENDMENT OF BILLS.
Passage of Joint Resolution, *See below, this title,* JOINT RESOLUTIONS.
Passage Over Veto, *See below, this title,* PASSAGE OVER VETO.
Appropriation and Revenue Bills to Have Precedence
To have precedence over all other business. (Miss. IV 68.)
Bills Revising or Adopting Statutes or Codes
To be read and promulgated in such manner as prescribed by legislature. (La. 39.)
Discussion
Free discussion to be allowed. (Tex. III 32.)
Limitation on Time of
Bills of revenue not to be passed during last five days of session. (Okla. V 33.)
Appropriation and revenue bills not to be passed during last five days of session. (Miss. IV 68.)
Appropriations to be valid shall be passed and receive signatures of president of senate and speaker "five full days" before adjournment *sine die* of legislature. (La. 57.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

PASSAGE OF BILLS (*Cont'd*)

Limitation on Time of (*Cont'd*)

Not to be passed by either house upon day prescribed for adjournment of the two houses. (Provision not to be construed to preclude enrollment of bill, or signature and passage from one house to other or reports thereon from committee, or transmission to governor for signature.) (Minn. IV 22.)

When Vote Taken for Final Passage

Immediately upon last reading. (Iowa III 17; Nebr. III 10; N.Y. III 15; Okla. V 34; S.D. III 18.)

Manner of Voting

On nominations by governor, *See* PUBLIC OFFICERS—APPOINTMENT.

By yeas and nays. (Ariz. IV 12; Ind. IV 18; Ohio II 9; Ore. IV 19; Utah VI 22.)

By yeas and nays upon each bill separately. (Ida. III 15.)

By yeas and nays on final passage. (Ala. IV 63; Ark. V 22; Cal. IV 15; Colo. V 22; Fla. III 17; Ky. 46; La. 39; Mich. V 23; Mo. IV 31; Mont. V 24; Nev. IV 18; N.M. IV 17; N.D. II 65; Pa. III 4; Va. IV 50; Wash. II 22; Wyo. III 25.)

By yeas and nays upon each bill separately on final passage. (Ill. IV 12.)

By ayes and noes upon final passage of every bill of general character and appropriation bills. (Tenn. II 21.)

Affirmative Vote Required

For the affirmative vote required on the passage of a bill relating to any particular subject, See the particular subject.

Appropriation bills, *See* APPROPRIATIONS.

Bills continuing or reviving taxes, *See* TAXATION.

Bills releasing, discharging or commuting claim of state, *See* STATE FINANCES.

Grants of public property, *See* "PUBLIC PROPERTY—APPROPRIATIONS", "PUBLIC PROPERTY—GRANTS".

Majority of each house. (Ala. IV 63; Ark. V 22.)

Majority of members present. (Fla. III 17; Ida. III 15; Mont. V 24; N.M. IV 17.)

Majority "of all the members of each body personally present and agreeing thereto." (N.J. IV Sec. IV 6.)

Majority of all members elected to each house. (Ariz. IV 15; Cal. IV 15; Colo. V 22; Del. II 10; Ga. III Sec. VII 14; Ill. IV 12; Ind. IV 25; Iowa III 17; Kan. II 13; La. 39; Md. III 28; Mich. V 23; Minn. IV 13; Mo. IV 31; Nebr. III 10; Nev. IV 18; N.Y. III 15; N.D. II 65; Ohio II 9; Okla. V 34; Ore. IV 25; Pa. III 4; S.D. III 18; Utah VI 22; Wash. II 22; Wyo. III 25.)

Majority of all members to which house entitled. (Tenn. II 18.)

Two-fifths of members elected to each house and majority of members voting. (Ky. 46; Va. IV 50.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

PASSAGE OF BILLS (*Cont'd*)

Affirmative Vote Required (*Cont'd*)

If less than 16 members present in senate, assent of at least 10 necessary to render acts and proceedings valid; if less than two-thirds of members elected are present in lower house, assent of two-thirds of that number necessary to render acts and proceedings valid. (N.H. II 36, 19.)

Entering Vote on Journal

To be entered on passage. (Minn. IV 13.)

Yeas and nays on final passage to be entered. (Cal. IV 15; Ida. III 15; Ill. IV 12; Iowa III 17; Kan. II 10; Ky. 46; Mich. V 23; Miss. IV 55; Nebr. III 10; Nev. IV 18; N.J. IV Sec. IV 6; N.M. IV 17; N.Y. III 15; Ohio II 9; Okla. V 34; S.D. III 18; Va. IV 50.)

Names of those voting on final passage to be entered. (Colo. V 22; Md. III 28; Mont. V 24; N.D. II 65; Wyo. III 25.)

Names of members voting for and against on final passage to be entered. (Ala. IV 63; Ark. V 22; Del. II 10; La. 39; Mo. IV 31; Pa. III 4; Wash. II 22.)

When constitution requires vote of two-thirds of either or of both houses for passing of act or resolution, yeas and nays on passage to be entered. (Ga. III Sec. VII 21.)

Concurrence in by Other House

No bill, resolution or other thing passed by one house to be law without concurrence of other. (Vt. II 6.)

Motion to Reconsider

When defeated on final passage and motion made to reconsider vote, vote upon such motion to be taken immediately and subject finally disposed of before proceeding to other business. (Mo. IV 35.)

All votes on final passage of any measure to be subject to reconsideration for at least one whole legislative day; no motion to reconsider to be disposed of adversely on day of original vote taken, except on last day of session. (Miss. IV 65.)

Engrossing

To be enrolled or engrossed immediately after passage. (N.M. IV 20.)

Affixing Seal

No bill or joint resolution to have force of law until great seal of state affixed to it. (S.C. III 18.)

Interlineation or Erasure

Interlineations or erasures in signed bill not to be effective unless certified thereto in express terms by presiding officer of each house, quoting words interlined or erased, nor unless fact of making such interlineations or erasures be publicly announced in each house and entered on journal. (N.M. IV 20.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

PASSAGE OF BILLS (*Cont'd*)

Changing or Stealing to Be Felony

Person materially changing or altering or making away with pending or passed bill to be guilty of felony and upon conviction punished by imprisonment for not less than one or more than five years. (N.M. IV 21.)

Reading After Passage, *See above, this title,* READINGS OF BILLS.

Signing After Passage

By Whom Signed

Presiding officer of each house. (Ala. IV 66; Ariz. IV Pt. II 15; Colo. V 26; Ga. III Sec. VII 13; Ida. III. 21; Ill. IV 13; Ind. IV 25; Iowa III 15; Kan. II 14; Ky. 56; La. 41; Minn. II 22; Miss. IV 59; Mo. IV 37; Mont. V 27; Nebr. III 11; N.M. IV 20; N.C. II 23; N.D. II 66; Ohio II 17; Okla. V 35; Ore. IV 25; Pa. III 9; S.D. III 19; Tenn. II 18; Tex. III 38; Utah VI 24; Va. IV 50; Wyo. III 28.)

Not to have force of law until signed by president of senate and speaker of lower house. (S.C. III 18.)

Not to become law until signed by presiding officer of each house under such rules as legislature may prescribe. (Wash. II 32.)

Presiding officer of respective houses and by secretary of senate and clerk of lower house. (Fla. III 17; Nev. IV 18.)

Where Signed

In presence of house. (Ala. IV 66; Colo. V 26; Mont. V 27; N.D. II 66; Okla. V 35; Pa. III 9; S.D. III 19; Tex. III 38; Utah VI 24; Va. IV 50; Wyo. III 28.)

In open session. (Ariz. IV Pt. II 15; Ky. 56; La. 41; Miss. IV 59; N.M. IV 20; Tenn. II 18; Wash. II 32.)

In open session, other business being suspended; bill to be read at length and if no objection made, to be signed; if any member object that bill is not same in substance and form as when passed, or that it violates constitution, house to pass upon such objection and if sustained, presiding officer to withhold signature; if not sustained, any five members may embody objection over their signatures in written protest under oath against signing of bill; protest to be noted upon journal and original annexed to the bill to be considered by governor. (Mo. IV 37.)

When Signed

Immediately after reading. (Ala. IV 66; Colo. V 26; La. 41; Okla. V 35; Pa. III 9; S.D. III 19; Wyo. III. 28.)

Immediately after reading, other business being suspended. (Ky. 56; Miss. IV 59.)

Publicly in presence of house while same is in session and capable of transacting business. (Nebr. III 11; Ohio II 17.)

Within two days after passage. (Kan. II 14.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

PASSAGE OF BILLS (*Cont'd*)

Signing After Passage (*Cont'd*)

Recording on Journal

Fact of signing to be noted on journal. (Ala. IV 66; Colo. V 26; Ky. 56; La. 41; Miss. IV 59; Mont. V 27; N.M. IV 20; N.D. II 66; Pa. III 9; S.D. III 19; Tenn. II 18; Tex. III 38; Utah VI 24; Va. IV 50; Wyo. III 28.)

Refusal to Sign

Refusal to sign renders such officer incapable of holding seat in either house thereafter; in case of such refusal, house by rule to provide manner in which bill to be properly certified for presentation to governor. (Minn. IV 22.)

APPROVAL OF BILLS

Acts Adopted by Initiative or Referendum, *See* INITIATIVE AND REFERENDUM.

Approval of Joint Resolutions, *See below, this title,* JOINT RESOLUTIONS.

Approval of Orders, *See below, this title,* JOINT RESOLUTIONS.

Approval of Vote, *See below, this title,* JOINT RESOLUTIONS.

Filing After Approval, *See below, this title,* FILING OF ACTS AFTER APPROVAL.

Presentment to Governor

In General

Required as to every bill which has passed both houses. (Ala. V 125; Ariz. V 7; Ark. VI 15; Cal. IV 16; Colo. IV 11; Conn. IV 12; Del. III 18; Fla. III 28; Ida. IV 10; Ill. V 16; Ind. V 14; Iowa III 16; Kan. II 14; Ky. 56, 88; La. 76; Me. IV Pt. III 2; Mass. Pt. II Ch. I Sec. I 2; Mich. V 36; Minn. IV 11; Miss. IV 72; Mo. IV 38; Mont. VII 12; Nebr. V 15; Nev. IV 35; N.H. II 43; N.J. V 7; N.M. IV 22; N.Y. IV 9; N.D. III 79; Ohio II 16; Okla. VI 11; Ore. V 15; Pa. IV 15; R.I. Amend. XV; S.C. IV 23; S.D. IV 9; Tenn. III 18; Tex. IV 14; Utah VII 8; Va. V 76; Vt. II 11; Wash. III 12; W.Va. VII 14; Wis. V 10; Wyo. IV 8.)

Governor to have revision of all bills passed by legislature before same become law. (Ga. V Sec. I 16; Miss. IV 72.)

Required, as to every bill passed by both houses and sealed with great seal. (Md. II 17; III 30.)

Time of

Every bill as passed to be presented to governor immediately after signing in both houses, by clerk of house in which last signed. (Ky. 56, 88.)

Bills signed by presiding officer of each house to be presented to governor, on same day on which signed by clerk of house in which it originated; fact of presentment to be entered upon journal. (Mo. IV 38.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

APPROVAL OF BILLS (*Cont'd*)

Presentment to Governor (*Cont'd*)

Time of (*Cont'd*)

Bills signed by presiding officer of both houses to be taken at once and on same day to governor by clerk of lower house or secretary of senate. (La. 41.)

Every bill, within two days after passage, to be signed by presiding officers and presented to governor. (Kan. II 14.)

No bill to be presented within two days next previous to final adjournment. (Ind. V 14.)

By Signature of Governor

If approved, governor to sign. (Ala. V 125; Ariz. V 7; Ark. VI 15; Cal. IV 16; Colo. IV 11; Del. III 18; Fla. III 28; Ida. IV 10; Ill. V 16; Ind. V 14; Iowa III 16; Kan. II 14; Ky. 88; La. 76; Me. IV Pt. III 2; Mass. Pt. II Ch. I Sec. I 2; Mich. V 36; Miss. IV 72; Mont. VII 12; Nebr. V 15; Nev. IV 35; N.H. II 43; N.J. V 7; N.Y. IV 9; N.D. III 79; Ohio II 16; Okla. VI 11; Ore. V 15; Pa. IV 15; R.I. Amend. XV; S.C. IV 23; S.D. IV 9; Tenn. III 18; Tex. IV 14; Utah VII 8; Va. V 76; Vt. II 11; Wash. III 12; W.Va. VII 14; Wis. V 10; Wyo. IV 8.)

If approved, governor to sign in presence of presiding officer or chief clerk of both houses. (Md. II 17, III 30.)

If approved, governor to sign and deposit with secretary of state. (Conn. IV 12; N.M. IV 22.)

If approved, governor to sign and deposit in office of secretary of state, having previously notified house where it originated. (Minn. IV 11.)

Bill returned within 10 days to house in which it originated, with approval of governor, to become law. (Mo. IV 38.)

By Failure to Return

General Rule

If bill not returned within three days (Sunday excepted) after presentment, to have same force and effect as if signed. (Conn. IV 12; Ind. V 14; Iowa III 16; Kan. II 14; Minn. IV 11; N.M. IV 22; N.D. III 79; S.C. IV 23; S.D. IV 9; Wyo. IV 8.)

If not returned within five days after presentment, to become a law as if signed. (La. 76; Mass. Pt. II Ch. I Sec. I 2.)

If not returned within five days after presentment (Sundays excepted), bill to become law as if signed. (Ark. VI 15; Ariz. V 7; Fla. III 28; Ida. IV 10; Me. IV Pt. III 2; Miss. IV 72; Mont. VII 12; Nebr. V 15; N.H. II 43; N.J. V 7; Okla. VI 11; Ore. V 15; Tenn. III 18; Va. V 76; Vt. II 11; Wash. III 12; W.Va. VII 14.)

If not returned within five days after presentment (Sundays and day on which received excepted), to become law as if signed. (Ga. V Sec. I 16; Nev. IV 35; Utah VII 8.)

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LEGISLATIVE PROCEDURE (*Cont'd*)
APPROVAL OF BILLS (*Cont'd*)
By Failure to Return (*Cont'd*)
General Rule (*Cont'd*)
If not returned within six days (Sundays excepted) after presentment, to be law as if signed. (Ala. V 125; Md. II 17; R.I. Amend. XV; Wis. V 10.)
If not returned by governor within 10 days after presentment, to be law as if signed. (Colo. IV 11; Pa. IV 15.)
If not returned within 10 days (Sundays excepted) after presentment, to become law as if signed. (Cal. IV 16; Del. III 18; Ill. V 16; Ky. 88; Mich. V 36; N.Y. IV 9; Ohio II 16; Tex. IV 14.)
If not returned within 10 days after presentment, legislature may by joint resolution, reciting fact of failure and bill at length, direct secretary of state to enroll bill as authentic act; such enrollment to have same effect as approval by governor. (Mo. IV 40, V 12.)
Return Prevented by Adjournment
Bill not to become law. (Ala. V 125; Conn. IV 12; Ga. V Sec. I 16; Iowa III 16; Kan. II 14; La. 76; Md. II 17; Mass. Amend. I; Mich. V 36; Minn. IV 11; N.H. II 43; N.J. V 7; N.M. IV 22; Tenn. III 18; Wis. V 10.)
If legislature by adjournment within three days after presentment prevent return, bill not to become law. (Vt. II 11.)
Bill not to become law without approval of governor. (Del. III 18; N.Y. IV 9; Okla. VI 11.)
Bill not to become law without approval of governor; disapproved bill to be filed with objections in office of secretary of state. (Mont. VII 12.)
Governor may within 30 days after adjournment return bill to office of secretary of state with approval or reason for disapproval. (Mo. V 12.)
Bill to be filed with objections in office of secretary of state within five days after such adjournment or become law. (Nebr. V 15; W.Va. VII 14.)
Bill to be law, unless governor within five days next after such adjournment, file with objections in office of secretary of state, who shall lay it before legislature at next session in like manner as if returned by governor. (Ind. V 14.)
Bill to become law, unless governor within five days after adjournment (Sunday excepted) file with objections in office of secretary of state, who shall lay same before legislature at next session as if returned by governor. (Ore. V 15.)
Bill to be law if approved by governor, within 10 days after adjournment, but not otherwise. (Va. V 76.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

APPROVAL OF BILLS (*Cont'd*)

By Failure to Return (*Cont'd*)

Return Prevented by Adjournment (*Cont'd*)

Bill to be law unless filed with objections in office of secretary of state within 10 days after adjournment. (Ill. V 16; Ohio II 16; R.I. Amend. XV 1; S.D. IV 9.)

Bill to be filed with objections in office of secretary of state within 10 days after such adjournment (Sundays excepted) or become law. (Ariz. V 7; Ida. IV 10; Utah VII 8.)

Bill to become law unless disapproved by governor within 10 days after adjournment, in which case veto measure to be spread upon register kept by secretary of state. (Ky. 88.)

Bill to be law unless governor, within 10 days after such adjournment, file with objections in office of secretary of state, who shall lay same before legislature at next session, when it may be passed over veto as otherwise. (Fla. III 28.)

Bill to be law unless governor within 10 days after adjournment (Sunday excepted) file with objections in office of secretary of state, who shall lay same before legislature at next session as if returned by governor. (Nev. IV 35; Wash. III 12.)

Bill to become law unless governor file with objections in office of secretary of state within 15 days after such adjournment. (N.D. III 79; Wyo. IV 8.)

Bill to become law unless governor file with objections in office of secretary of state and give notice thereof by public proclamation within 20 days after adjournment. (Ark. VI 15; Tex. IV 14.)

Bill not to become law unless governor, within 30 days after such adjournment (Sundays excepted), sign and deposit in office of secretary of state. (Cal. IV 16.)

Bill to become law unless filed with objections in office of secretary of state within 30 days after such adjournment. (Colo. IV 11.)

Bill to become law unless governor file with objections in office of secretary of commonwealth and give notice thereof by published proclamation within 30 days after such adjournment. (Pa. IV 15.)

Bill to have same force and effect as if signed, unless returned within two days after next meeting of legislature. (S.C. IV 23.)

Bill to become law unless returned within three days after beginning of next session. (Me. IV Pt. III 2; Miss. IV 72.)

Return Prevented by Recess

Bill to be returned within two days after reassembling, or become law. (Ala. V 125.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

APPROVAL OF BILLS (*Cont'd*)

After Final Adjournment

No bill to have approval when legislature not in session. (Miss. IV 72.)

Governor may approve, sign and file in office of secretary of state within three days after adjournment any act passed during last three days; same to become law. (Minn. IV 11.)

Governor may approve, sign and file in office of secretary of state within five days (Sundays excepted) after adjournment of legislature any bill passed during last five days of session; same to become law. (Mich. IV 36.)

Bill presented to governor within five days before final adjournment may be approved at any time within 10 days after such adjournment, and if approved and deposited with secretary of state within that time to become law. (Ala. V 125.)

Bill not to become law unless approved by governor within 15 days after such adjournment. (Mont. VII 12; Okla. VI 11.)

Bills presented during the last three days of session to be approved or disapproved within six days after adjournment and deposited with secretary of state; unless so approved and signed, not to become law. (N.M. IV 22.)

Bill not to become law unless approved by governor within 30 days after such adjournment. (Del. III 18; N.Y. IV 9.)

Bill not to become law unless governor within 30 days after such adjournment sign and deposit in office of secretary of state. (Cal. IV 16.)

Bills submitted to governor during last three days of session to be deposited by him in office of secretary of state within 30 days after adjournment with his approval, if approved, and with his objections, if disapproved. (Iowa III 16.)

VETO OF BILLS

Acts Adopted by Initiative or Referendum, *See* INITIATIVE AND REFERENDUM.

Appropriation Bills, *See* APPROPRIATIONS — VETO OF BILLS.

Pocket Veto, *See above, this title,* APPROVAL OF BILLS — BY FAILURE TO RETURN.

Return

If disapproved, governor to return bill to house in which it originated. (Ala. V 125; Ark. VI 15; Ariz. V 7; Cal. IV 16; Colo. IV 11; Conn. IV 12; Del. III 18; Fla. III 28; Ida. IV 10; Ill. V 16; Ind. V 14; Iowa III 16; Ky. 88; La. 76; Me. IV Pt. III 2; Md. II 17; Mass. Pt. II Ch. I Sec. I 2; Mich. V 36; Minn. IV 11; Miss. IV 72; Mo. IV 39; Mont. VII 12; Nebr. V 15; Nev. IV 35; N.H. II 43; N.J. V 7; N.M. IV 22; N.Y. IV 9; N.D. III 79; Ohio II 16; Okla. VI 11; Ore. V 15; Pa. IV 15; R.I. Amend. XV; S.C. IV 23; S.D. IV 9; Tenn. III 18; Tex. IV 14; Utah VII 8; Va. V 76; Vt. II 11; Wash. III 12; W.Va. VII 14; Wis. V 10; Wyo. IV 8.)

If disapproved, governor to return to lower house. (Kan. II 14.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

VETO OF BILLS (*Cont'd*)

Objections

Statement of to be sent with disapproved bill. (Vt. II 11.)

Statement of to be sent with disapproved bill and entered at large on journal. (Ala. V 125; Ark. VI 15; Ariz. V 7; Cal. IV 16; Colo. IV 11; Conn. IV 12; Del. III 18; Fla. III 28; Ida. IV 10; Ill. V 16; Ind. V 14; Iowa III 16; Kan. II 14; Ky. 88; La. 76; Me. IV Pt. III 2; Md. II 17; Mass. Pt. II Ch. I Sec. I 2; Mich. V 36; Minn. IV 11; Miss. IV 72; Mo. IV 39; Mont. VII 12; Nebr. V 15; Nev. IV 35; N.H. II 43; N.J. V 7; N.M. IV 22; N.Y. IV 9; N.D. II 79; Ohio II 16; Okla. VI 11; Ore. V 15; Pa. IV 15; R.I. Amend. XV; S.C. IV 23; S.D. IV 9; Tenn. III 18; Tex. IV 14; Utah VII 8; Va. V 76; Wash. III 12; W.Va. VII 14; Wis. V 10; Wyo. IV 8.)

Disapproval of Portion Only

If governor disapprove general purpose by disapproval of any part or parts, he may return with recommendations for amendment to house in which bill originated and if both houses, by vote of a majority of members present in each, agree to amend in accordance with recommendations or either house by such vote fail or refuse so to amend it, bill to be again sent to governor and he may act upon it as if before him for first time. (Va. IV 76.)

If bill contains several items, governor may object to one or more while approving others and append to bill at time of signing statement of parts objected to with reasons and such parts not to take effect unless passed over objection. (Wash. III 12.)

If governor disapproves item or section of bill, but approves of residue, latter becomes law as if bill signed, and governor returns bill with objections to house of origin which enters objections on journal and reconsiders part not approved. Proceedings same as if entire bill returned and, if part disapproved passed by two-thirds of each house, to become part of law. (S.C. IV 23.)

PASSAGE OVER VETO

Reconsideration

In General

Reconsidered first by house in which bill originated; if repassed, sent, with governor's objections to other house. (Ariz. V 7; Ark. VI 15; Cal. IV 16; Colo. IV 11; Conn. IV 12; Del. III 18; Ida. IV 10; Ill. V 16; Ind. V 14; Iowa III 16; Ky. 88; La. 76; Me. IV Pt. III 2; Md. II 17; Mass. Pt. II Ch. I Sec. I 2; Mich. V 36; Minn. IV 11; Miss. IV 72; Mo. IV 39; Mont. VII 12; Nebr. V 15; Nev. IV 35; N.H. II 43; N.J. V 7; N.M. IV 22; N.Y. IV 9; N.D. II 79; Ohio II 16; Okla. VI 11; Ore. V 15; Pa. IV 15; R.I. Amend. XV; S.C. IV 23; S.D. IV 9; Tenn. III 18; Tex. IV 14; Vt. II 11; Va. V. 76; Wash. III 12; W.Va. VII 14; Wis. V 10; Wyo. IV 8.)

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LEGISLATIVE PROCEDURE (*Cont'd*)
PASSAGE OVER VETO (*Cont'd*)
Reconsideration (*Cont'd*)
In General (*Cont'd*)
Reconsidered first by lower house; if repassed, sent, with governor's objections, to senate. (Kan. II 14.)
If governor's message proposes no amendment to remove his objections, house in which bill originated proceeds to reconsider; if bill repassed, to be sent to other house for reconsideration. (Ala. V 125.)
When Amendment Proposed by Governor
House to which bill sent may so amend, and send with governor's message to other house, which may adopt, but cannot amend, said amendment; both houses concurring in amendment, bill to be sent again to governor and acted on by him as other bills. If house to which bill returned refuses such amendment, it proceeds to reconsider; if bill approved, to be sent with objections to other house for reconsideration. If house to which bill returned makes such amendment, and other house refuses to pass same, latter house to reconsider as though bill had originated therein. (Ala. V 125.)
Limitation on Time of Voting
Not to be on same day on which bill returned to either house. (Del. III 18; N.J. V 7.)
Manner of Voting
By yeas and nays. (Ala. V 125; Ariz. V 7; Ark. VI 15; Cal. IV 16; Colo. IV 11; Conn. IV 12; Del. III 18; Ida. IV 10; Ill. V 16; Iowa III 16; Kan. II 14; Ky. 88; La. 76; Me. IV Pt. III 2; Md. II 17; Mass. Pt. II Ch. I Sec. I 2; Mich. V 36; Minn. IV 11; Miss. IV 72; Mo. IV 39; Mont. VII 12; Nebr. V 15; Nev. IV 35; N.H. II 43; N.J. V 7; N.M. IV 22; N.Y. IV 9; N.D. III 79; Ohio II 16; Okla. VI 11; Ore. V 15; Pa. IV 15; R.I. Amend. XV; S.C. IV 23; S.D. IV 9; Tenn. III 18; Tex. IV 14; Utah VII 8; Vt. II 11; Va. V 76; Wash. III 12; W.Va. VII 14; Wis. V 10; Wyo. IV 8.)
Affirmative Vote Required
Emergency measures, *See below, this title,* EMERGENCY MEASURES.
In each house, majority of all members elected thereto. (Ala. V 125; Ark. VI 15; Ind. V 14; Ky. 88; Tenn. III 18.)
In each house, majority of whole number thereof. (N.J. V 7.)
In each house, majority of all members to which entitled. (W.Va. VII 14; VI 32.)
In each house, three-fifths of members present and voting. (R.I. Amend. XV 1.)
In each house, three-fifths of members elected thereto. (Del. III 18; Md. II 17; Nebr. V 15.)
In each house, three-fifths of members elected thereto; but not to be repassed by smaller vote than required by constitution on original passage. (Ohio II 16.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

PASSAGE OVER VETO (*Cont'd*)

Affirmative Vote Required (*Cont'd*)

In each house, two-thirds of members present. (Fla. III 28; Ida. IV 10; Mont. VII 12; Ore. V 15; S.D. IV 9; Tex. IV 14; Vt. II 11; Wash. III 12; Wis. V 10.)

In each house, two-thirds of members present and voting. (N.M. IV 22.)

In each house two-thirds of all members present which must consist of majority of all members elected thereto. (Va. V 76.)

In each house, two-thirds thereof. (Ga. V Sec. I 16; Iowa III 16; Me. IV Pt. III 2; Mass. Pt. II Ch. I Sec. I 2; Minn. IV 11; Miss. IV 72; N. H. II 43; S. C. IV 23.)

In each house, two-thirds of all members elected thereto. (Ariz. V 7; Colo. IV 11; Ill. V 16; Kan. II 14; La. 76; Mich. V 36; Mo. IV 39; Nev. IV 35; N.Y. IV 9; N.D. III 79; Okla. VI 11; Pa. IV 15; Utah VII 8; Wyo. IV 8.)

Entering Vote on Journal

Each house to enter vote. (Colo. IV 11; Fla. III 28; Ida. IV 10; Ill. V 16; Kan. II 14; Mont. VII 12; Nebr. V 15; N.M. IV 22; W.Va. VII 14.)

Each house to enter names of members voting. (N.Y. IV 9; Okla. VI 11.)

Each house to enter names of those voting for and against. (Ala. V 125; Ark. VI 15; Conn. IV 12; Del. III 18; Ky. 88; La. 76; Me. IV Pt. III 2; Md. II 17; Mass. Pt. II Ch. I Sec. I 2; Mich. V 36; Minn. IV 11; Miss. IV 72; N.H. II 43; N.J. V 7; N.D. II 79; Ohio II 16; Ore. V 15; Pa. IV 15; R.I. Amend. XV; S.C. IV 23; S.D. IV 9; Tenn. III 18; Tex. IV 14; Vt. II 11; Va. V 76; Wash. III 12; W.Va. III 18; Wis. V 10.)

FILING OF ACTS AFTER APPROVAL

To be filed with secretary of state. (Conn. IV 12; Minn. II 11; N.M. IV 22; Ohio II 16.)

To be filed with secretary of state after final action by governor or following adoption, notwithstanding his objections. (Ariz. V 7.)

Bill, when passage over veto certified to by presiding officer of each house, to be deposited in office of secretary of state and to become law as if signed. (Mo. IV 39.)

TIME WHEN ACT TAKES EFFECT

Acts Adopted by Initiative or Referendum, *See* INITIATIVE AND REFERENDUM.

Joint Resolutions, *See below, this title,* JOINT RESOLUTIONS.

Upon What Authority Depending, *See* LAWS — TAKING EFFECT OF.

General Rule

Not until published and circulated in counties by authority. (Ind. IV 28.)

Not until promulgated; laws to be considered promulgated 10 days after publication in state journal. (La. 42.)

No general law to be in force until published. (Wis. VII 21.)

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LEGISLATIVE PROCEDURE (*Cont'd*)
TIME WHEN ACT TAKES EFFECT (*Cont'd*)
General Rule (*Cont'd*)
To be prescribed by legislature; no law of general nature to be in force until published. (Kan. II 19.)
No bill except bills to provide for public peace, health or safety, or the codification and revision of the laws, to become law unless printed. (N.M. IV 15.)
Not until first day of June next after session at which passed. (Md. III 31.)
Not until first day of July next after passage. (Ill. IV 13.)
Not until first day of July after close of session. (N.D. II 67.)
No law of public nature to take effect until the fourth day of July next after passage. (Iowa III 26.)
Not until 40 days after passage. (Tenn. II 20.)
No law of general nature, unless therein otherwise provided, to be in force until 60 days after passage. (Miss. IV 75.)
Not until 60 days from final adjournment of session at which enacted. (Fla. III 18; Ida. III 22.)
Not until published, nor until 60 days after adjournment of session at which passed. (Utah VI 25.)
Not until three calendar months after adjournment of session at which passed. (Nebr. III 24.)
Not until expiration of 90 days after passage. (Colo. V 19; W.Va. VI 30.)
Not until 90 days after adjournment of session at which enacted. (Ariz. IV Pt. I 1; Ky. 55; Me. IV Pt. III 16; Mich. V 21, 1; Mo. IV 36; N.M. IV 23; Okla. V 58; Ore. IV 28; S.D. III 22; Tex. III 39; Va. IV 53; Wash. II 31.)
Not until 90 days after filed by governor in office of secretary of state. (Ohio II 1 c.)
Exceptions
For laws adopted by people, See INITIATIVE AND REFERENDUM.
When otherwise provided in act. (Fla. III 18; Md. III 31; Miss. IV 75.)
When legislature by vote of two-thirds of all members elected to each house otherwise directs. (Colo. V 19; Utah VI 25.)
If legislature by vote of two-thirds of members elected to each house, taken by yeas and nays, otherwise directs. (W.Va. VI 30.)
If legislature deems law of immediate importance, it may provide that same shall take effect by publication in newspapers in state. (Iowa III 26.)
In case of emergency. (*See below, this title*, EMERGENCY MEASURES.) (Ariz. IV Pt. I 1; Ida. III 22; Ill. IV 13; Ind. IV 28; Ky. 55; Me. IV Pt. III 16; Mo. IV 36; Nebr. III 24; N.D. II 67; II 25 (1914); Ohio II 1 d; Ore. IV 28; S.D. III 22; Tex. III 39; Va. IV 53; Wash. II 31.)
When law or caption shall state that public welfare requires taking effect sooner. (Tenn. II 20.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

TIME WHEN ACT TAKES EFFECT (*Cont'd*)

Exceptions (*Cont'd*)

Act necessary for the preservation of public peace, health or safety, to take effect immediately upon passage and approval, provided it be passed by a two-thirds vote of each house. (N.M. IV 23.)

Acts immediately necessary for preservation of public peace, health and safety may be given immediate effect by two-thirds vote of members elected to each house. (Mich. V 21.)

Appropriation bills. (Wash. II 31.)

General appropriation bills. (Ky. 55; Mo. IV 36; Okla. V 58; Tex. III 39; Va. IV 53.)

Acts making appropriations may be given immediate effect by two-thirds vote of members elected to each house. (Mich. V 1, 21.)

General appropriation laws to go into effect immediately upon passage and approval. (N.M. IV 23.)

General appropriation acts or acts appropriating money for expenses of legislature. (La. 42.)

Bills appropriating money for business purposes or for payment of salaries fixed by law. (Me. IV Pt. III 16.)

Acts providing appropriations for support and maintenance of departments of state and of state institutions. (Ariz. IV Pt. I 1.)

Laws providing for tax levies and for appropriations for current expenses of state government and state institutions to go into immediate effect. (Ohio II 1 d.)

When Passed in Special Session

Ninety days after adjournment of legislature by which passed. (Iowa III 26.)

EMERGENCY MEASURES

See also INITIATIVE AND REFERENDUM.

Scope

Laws necessary for immediate preservation of public peace, health or safety. (Ariz. IV Pt. I 1; Me. IV Pt. III 16; N.D. II 25 (1914); Ohio II 1 d; Okla. V 58.)

Subjects Excluded

Infringement of right of home rule for municipalities; franchise or right of corporation or individual to extend longer than one year; provision for sale or purchase, or for rent for more than five years, of real estate. (Me. IV Pt. III 16.)

Granting of franchises or license to corporation or individual to extend longer than one year; provisions for purchase or sale of real property, or for renting or incumbrance of same for longer term than one year. (Okla. V 58.)

How Determined

By vote of majority of members elected to each house, taken by yeas and nays. (Ky. 55.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

EMERGENCY MEASURES (*Cont'd*)

How Determined (*Cont'd*)

By vote of two-thirds of all members elected to each house. (Ariz. IV Pt. I 1; Ill. IV 13; Me. IV Pt. III 16; Nebr. III 24; Okla. V 58; S.D. III 22.)

(By vote of two-thirds of members present in each house.) By vote of two-thirds of all members elected to each house on separate roll call. (N.D. II 67, II 25, 1914.)

By vote of two-thirds of all members elected to each house, taken by yeas and nays and entered upon the journal. (Mo. IV 36; Tex. III 39; Wash. II 31.)

By vote of two-thirds of all members elected to each house; section stating reasons for emergency to be passed upon yea and nay vote on separate roll call. (Ohio II 1 d.)

By vote of four-fifths of members voting in each house, taken by yeas and nays, and names of members voting for and against entered on journal. (Va. IV 53.)

Statement of Emergency

To be expressed in act. (Colo. V 19; Okla. V 58.)

To be expressed in body of bill. (Va. IV 53.)

To be stated in separate section. (Ariz. IV Pt. I 1.)

Reasons therefor to be set forth in one section. (Ohio II 1 d.)

To be expressed, with facts constituting, in preamble of act. (Me. IV Pt. III 16.)

To be declared in preamble or body of act. (Ida. III 22; Ill. IV 13; Ind. IV 28; Mo. IV 36; Nebr. III 24; Ore. IV 28; S.D. III 22; Tex. III 39.)

Necessity for becoming operative immediately and facts creating same to be stated in one section of bill. (Emergency to be expressed in preamble or body of act.) N.D. II 25 (1914), II 67.)

Reason for emergency to be set out at length in journal of each house. (Ky. 55.)

Veto

May be vetoed. (Okla. V 58.)

Passage Over Veto

By vote of three-fourths of each house. (Okla. V 58.)

By affirmative vote of three-fourths of members elected to each house, taken by roll call of ayes and nays. (Ariz. IV Pt. I 1.)

Time When Effective

To go into immediate effect. (Ohio II 1 d.)

When approved by governor. (Ky. 55.)

As directed by legislature. (Mo. IV 36; Nebr. III 24; Tex. III 39.)

As directed by legislature; if upon aye and no vote in each house two-thirds of all members elected vote in favor of law going into instant operation, to become operative upon approval by governor. (N.D. II 67, II 25 1914.)

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LEGISLATIVE PROCEDURE (*Cont'd*)

JOINT RESOLUTIONS

Origin and Amendment

Order or resolution may originate in either house, but may be amended or rejected by other. (Me. IV Pt. III 9; Md. III 27.)

Introduction of, After Rejection

If defeated by either house, no resolution containing same substance to be passed during same session. (Tex. III 34.)

No ordinance or resolution intended to have effect of law, if rejected by either house, to be again proposed in same house during same session under same or any other title, without consent of majority of house by which rejected. (La. 38.)

No ordinance or resolution intended to have effect of law, if rejected in either house, to be again proposed during same session under same or any other title without consent of two-thirds of house by which rejected. (Ga. III Sec. VII 13.)

Entering on Journal

Bills and joint resolutions to be described by title and number. (W.Va. VI 41.)

Readings

Each concurrent resolution to be read at large on three different days in each house. (Nebr. III 11.)

To be publicly read at length after passage, but may be dispensed with by two-thirds vote of quorum present. (Okla. V 35.)

To be read on three different days in each house, but either house may provide by rule for first and third readings by title only. (S.C. III 18.)

Titles to be read after passage immediately before signing. (Pa. III 9; S.D. III 19; Tex. III 38.)

To be publicly read in full after passage and fact of reading entered on journal. (N.M. IV 20.)

Passage

Requirements same as in case of bills. *See above, this title,* PASSAGE OF BILLS. (Ala. IV 66; Ariz. IV 12; Colo. V 26; Del. II 10; Fla. III 17; Ind. IV 25; Kan. II 13; Md. III 28; Mont. V 27; Nebr. III 11; Nev. IV 18; N.D. II 66; Ohio II 27; Okla V 35; Ore. IV 25; Pa. III 9; S.C. III 18; S.D. III 19; Tex. III 38; Utah VI 24; Wyo. III 28.)

Approval of Governor Required

General Rule

To be presented to governor and before same takes effect, to be approved by him, or, being disapproved, to be repassed by legislature as prescribed in case of bills. (Kan. II 14; Mo. V 14; N.H. II 44; Okla. VI 11; S.C. IV 23; Tenn. III 18.)

Every vote, order or resolution requiring concurrence of both houses, to be presented to governor and before same

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LEGISLATIVE PROCEDURE (*Cont'd*)
JOINT RESOLUTIONS (*Cont'd*)
Approval of Governor Required (*Cont'd*)
General Rule (*Cont'd*)
takes effect, be approved by him or being disapproved, be repassed by legislature as prescribed in case of bills. (Ala. V 125; Ark. VI 16; Colo. V 39; Del. III 18; Ga. V Sec. I 17; Ky. 89; La. 78; Me. IV Pt. III 2; Minn. II 12; Mont. V 40; Nebr. V 15; Pa. III 26; R.I. Amend. XV 1; Tenn. III 18; Tex. IV 15; Wyo. III 41.)
Exceptions
Joint resolution on question of adjournment. (Mo. V 14; S.C. IV 23.)
Order, resolution or vote on question of adjournment. (Ala. V 125; Ark. VI 16; Colo. V 39; Del. III 18; Ga. V Sec. I 17; Ky. 89; La. 78; Me. IV Pt. III 2; Minn. II 12; Miss. IV 60; Mont. V 40; Nebr. V 15; Pa. III 26; R.I. Amend. XV 1; Tenn. III 18; Tex. IV 15; Wyo. III 41.)
Order, resolution or vote on matters of parliamentary proceeding. (La. 78.)
Resolution or vote on matters of either or both houses. (R.I. Amend. XV 1.)
Order, resolution or vote on question relating solely to transaction of business of the two houses. (Colo. V 39; Minn. II 12; Mont. V 40; Wyo. III 41.)
Vote, resolution or order on question of election. (Ga. V Sec. I 17.)
Vote, order or resolution on question of bringing on of elections. (Ala. V 125.)
Resolution on question of amending constitution. (Ala. V 125; Miss. IV 60; Mo. V 14; R.I. Amend. XV 1.)
Order, resolution or vote on address for removal from office. (La. 78.)
As otherwise provided in constitution. (Ky. 89.)
Orders, votes and resolutions of both houses affecting prerogatives and duties thereof, or relating to investigations of public officers and the like; such resolutions, orders and votes may empower legislative committee to administer oath, to send for persons or papers and generally make legislative investigations effective. (Miss. IV 60.)
Time When Effective
Joint resolutions, except such orders or resolutions as pertain solely to facilitating performance of business of either house or of any committee or office thereof, not to take effect until 90 days after recess of legislature by which passed. (Me. IV Pt. III 16.)
Not to Repeal or Alter Law
No resolution to have effect of repealing, altering or extending any law. (Mo. V 14.)

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LEGISLATURE

ADJOURNMENT

By Governor in Absence of Quorum

If either house remain without quorum for five days governor may adjourn to time not beyond date of next annual session. (S.C. IV 16.)

By Both Houses

May jointly adjourn to any future day or other place. (N.C. II 22.)

By Less Than Quorum, *See below, this title,* QUORUM — POWERS OF SMALLER NUMBER.

By One House

Each house to have power to adjourn itself, but not for more than two days at time. (Mass. Pt. II Ch. I Sec. II 6, III 8; N.H. II 18, 35.)

Each house to sit upon its own adjournments. (Ida. III 9; Ind. IV 10; Iowa III 9; Minn. IV 4; Ore. IV 11; Vt. II 14.)

Each house to sit upon own adjournments from day to day. (N.C. II 22; Tenn. II 11.)

By One House Without Consent of Other

Not for more than two days. (N.Y. III 11.)

Not for more than two days, Sundays excepted. (Kan. II 10.)

Not for more than three days. (Nebr. III 8; Wis. IV 10.)

Not for more than three days nor to any other place. (Ga. III Sec. VII 24; Va. IV 46.)

Not for more than two days nor to any other place than that in which house sitting. (Me. IV Pt. III 12.)

Not for more than two days or to any other place than that in which both houses sitting. (Ill. IV 10; Mo. IV 23; R.I. IV 9.)

Not for more than two days (Sundays excepted) nor to any other place than that at which the two houses in session. (Ohio II 14.)

Not for more than three days nor to any other place than that in which it may be sitting. (Ariz. IV Pt. II 9; Cal. IV 14; Ida. III 9; Ky. 41; La. 35; Ore. IV 11; S.C. III 21; Utah VI 15.)

Not for more than three days nor to any other place than that in which they may be sitting, except as otherwise provided in constitution. (Ala. IV 58.)

Not for more than three days nor to other place than that at which house may be sitting, without concurrent vote of two-thirds of members present. (Md. III 25.)

Not for more than three days, nor to any other place than that in which the houses sitting. (Ark. V 28; Colo. V 15; Del. II 12; Iowa III 14; Mich. V 18; Miss. IV 57; Mont. V 14; Nev. IV 15; N.J. IV Sec. IV 5; Okla. V 30; Pa. II 14; S.D. III 16; Tenn. II 16; Tex. III 17; Vt. II 6; Wash. II 11; W.Va. VI 23; Wyo. III 15.)

Not for more than three days or to any other town than that in which they may be holding their session. (Fla. III 13.)

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LEGISLATURE (*Cont'd*)

ADJOURNMENT (*Cont'd*)

By One House Without Consent of Other (*Cont'd*)

Not for more than three days nor to any other place than that in which the two houses sitting, except in case of epidemic, pestilence or other great danger. (N.D. II 51.)

Not for more than three days, Sunday excepted, nor to any other place than that where the two houses sitting. (Minn IV 6; N.M. IV 14.)

Place

May adjourn to some other place when public safety or welfare, or safety or health of members, requires. (W.Va. VI 21.)

In case of invasion or violent epidemics, may adjourn to place other than seat of government, but all departments of government to be removed to same place; removal not to continue longer than necessity for same continues. (Fla. XVI 10.)

In case of danger from enemy or disease, governor may adjourn to other place of safety. (Ark. VI 20.)

Governor may adjourn to another place when public safety or welfare, or safety or health of members requires, but two-thirds of all members elected to each house must concur. (Okla. VI 14.)

If houses disagree, governor may, on facts certified to him by either house, adjourn to such place as he thinks proper. (R.I. VII 6.)

Sine Die

To adjourn *sine die* not later than first Wednesday after the first Monday in June following organization. (Conn. Amend. 35.)

To adjourn without day at such time as agreed by concurrent resolution, at twelve o'clock noon. (Mich. V 13.)

Adjournment or recess taken by legislature for more than three days to have effect of and be adjournment *sine die*; adjournment for three days or less to be construed as not interrupting session. (Mo. IV 21, 22.)

Time in General

Governor, with advice of council, may prorogue legislature from time to time, not exceeding 90 days in any one recess; during session he may adjourn or prorogue to time desired by both houses. (Mass. Pt. II Ch. II Sec. I 5; N.H. II 49.)

On day of final adjournment, to adjourn twelve o'clock noon. (N.M. IV 14.)

Time, if Houses Disagree as to

Governor may adjourn either or both. (Ga. III Sec. VII 24.)

Governor may adjourn to such time as he may think proper. (Vt. II 6.)

Governor may adjourn to time not beyond day of next regular session. (Cal. V 11; Conn. IV 7; Fla. IV 10; Iowa IV 13; Kan. I 6; Me. V Pt. I 13; Miss. V 121; Nev. V 11; Ohio III 9; S.C. IV 16; Utah VII 7.)

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LEGISLATURE (*Cont'd*)

ADJOURNMENT (*Cont'd*)

Time, if Houses Disagree as to (*Cont'd*)

Governor may, if facts certified to him by presiding officers of houses, adjourn to time not beyond day of next meeting. (Ark. VI 20.)

Governor may, if facts certified to him by presiding officer of house, first moving adjournment, adjourn to time not beyond day of next regular session. (Ill. V 9; Okla. VI 14.)

Governor, on facts certified to him by house first moving adjournment, may adjourn to time not beyond day of next regular session. (Nebr. V 9.)

Governor may, on facts certified to him by house last moving adjournment, adjourn to time not later than next regular session. (Colo. IV 10.)

Governor may, on facts certified to him by either house, adjourn to time not beyond day of next regular session. (R.I. VII 6.)

Governor may adjourn to time not exceeding three months. (Del. III 16.)

Governor may adjourn to time not exceeding four months. (Ky. 80; Pa. IV 12.)

If houses disagree with respect to necessity, expediency or time, governor may, on advice to council, adjourn or prorogue not exceeding 90 days. (Mass. Pt. II Ch. II Sec. I 6.)

If houses disagree as to time or place, governor, with advice of council, may adjourn or prorogue not exceeding 90 days at any one time; governor to dissolve senate seven days before beginning of next regular session. (N.H. II 42.)

When Sitting on Impeachment, *See* IMPEACHMENT — TRIAL.

AMENDMENT OF CONSTITUTION, *See* AMENDMENT OR REVISION OF CONSTITUTION.

APPORTIONMENT OF MEMBERS

Number of Members, *See below, this title,* MEMBERS — NUMBER.

Based on

Population. (Ky. 33.)

Population, determined by United States census. (Ga. III Sec. II 2, Sec. III 2; Ill. IV 6, 7; La. 18, 19; Mich. V 4; Pa. II 18; W.Va. VI 4, 7.)

Population determined by United States census (lower house); representation by counties in senate. (N.J. IV Sec. III 1, Sec. II 1.)

Population determined by United States census (senate); representation by towns in lower house. (Conn. Amend. XXXI 2, XVIII.)

Population determined by United States census; if such census not taken, or delayed, then on basis of state census. (Mo. IV 7.)

Number of inhabitants as ascertained by United States census; if decennial census of United States not taken or not full and satisfactory, legislature may provide for enumeration of in-

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LEGISLATURE (*Cont'd*)
APPORTIONMENT OF MEMBERS (*Cont'd*)
Based on (*Cont'd*)
habitants upon which to make apportionment; representation to be based on population, and such basis not to be changed by constitutional amendment. (Ala. IX 198, 200, 201, XVIII 284.)
Population, determined by United States census or in such manner as legislature may direct. (Ohio XI 1, 6; Okla. V 9 a, 10 c.)
Population determined by United States census or by enumeration made under authority of state (lower house); representation by counties in senate. (Md. III 4, 2.)
Population determined by census taken by United States or state (lower house); representation by towns and cities in senate. (R.I. VI 1, Amend. XIII 1.)
Population determined by United States census or by enumeration made under authority of state (senate); representation by towns in lower house. (Vt. II 18, 13.)
Population determined by census under authority of state and by United States census. (Colo. V 45; Iowa III 34, 35; Mont. VI 2; Nev. XV 13, I 13; N.D. II 35; Utah IX 2; Wyo. III Apportionment 2.)
Number of inhabitants, determined by enumeration under authority of state, but legislature may adopt United States census as basis. (Lower house.) Each county to have one member (senate). Representation in lower house to be apportioned according to population. (S.C. III 3, 6, I 2.)
Population determined by census under authority of state and by United States census (lower house); representation by counties in senate. (Mont. VI 2, 4, V 4.)
Population determined by census taken by United States or state (lower house). In forming senatorial districts as nearly equal as may be, they shall govern themselves by the proportion of direct taxes paid by the said districts. (N.H. II 9, 25.)
White population, determined by census made by state or United States. (Ore. IV 6.)
Number of adult male inhabitants determined by enumeration made by state. (Ind. IV 5, 4.)
Number of adult male inhabitants determined by United States census or census under authority of state. (Ark. VIII 1, 2, 4.)
Number of legal voters determined by enumeration made by state. (Mass. Amend. 21, 22.)
Number of qualified voters determined by enumeration made by state. (Tenn. II, 4, 6.)
Number of qualified electors (senate); population determined by United States census (lower house). (Tex. III 25, 26.)
Census made by state; lower house to admit one member for each county in which at least 250 legal votes were cast at next preceding general election. (Kan. X 2, 3, II 2.)

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Based on (*Cont'd*)

Population determined by United States census, excluding persons not eligible to become citizens of the United States under naturalization laws. (Cal. IV 6.)

Inhabitants, excluding aliens, ascertained by enumeration made by state. (N.Y. III 4, 5.)

Population, exclusive of Indians not taxable, determined by enumeration under authority of state and by United States census. (Minn. IV 2, 23.)

Number of inhabitants, exclusive of aliens and Indians not taxed, ascertained by United States census. (N.C. II 4, 5, 6.)

Number of inhabitants exclusive of foreigners not naturalized and Indians not taxed, determined by enumeration made by state (lower house). Number of inhabitants (senate). (Me. IV Pt. I 2, Pt. II 2.)

Number of inhabitants determined by United States census, excluding Indians not taxed, soldiers and officers of United States army and navy. (Wis. IV 3.)

Number of inhabitants, exclusive of Indians not taxed and soldiers and officers of the United States army and navy, determined by enumeration made by state and also by United States census. (Nebr. III 2; S.D. III 5.)

Number of inhabitants, determined by enumeration made by state and by United States census, excluding Indians not taxed, soldiers, sailors and officers of United States army and navy in active service. (Wash. II 3.)

By Whom Made

Legislature. (Ala. IX 199, 200; Ark. VIII 4; Fla. VII 3; Ind. IV 5; Ky. 33; La. 18; Mass. Amend. XXI, XXII; Mich. V 4; Mont. VI 2; N.H. II 9, 25; N.J. IV Sec. III; N. M. IV 41; N.C. II 5; N.D. II 35; R.I. Amend. XIII 1; S.C. III 3; S. D. III 5; Tex. III 28; Utah IX 2; Vt. II 18 (senate); Va. IV 55; W.Va. VI 4; Wyo. III Apportionment 2.)

By legislature, subject to review by supreme court at suit of any citizen under such reasonable regulation as legislature may prescribe. (N.Y. III 4, 5.)

Legislature, subject to approval of governor as bills are approved; and subject to review by supreme court at suit of any citizen, under such rules and regulations as legislature may prescribe. Apportionment cases to have precedence. (Okla. V 10 i.)

By legislature; in case of failure or refusal to district state for senators, the governor, secretary of state or attorney-general to perform said duties within 30 days after adjournment of legislature. (Mo. IV 7.)

By governor. (Md. III 5.)

Governor, auditor and secretary of state, or any two of them. (Ohio XI 11.)

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LEGISLATURE (*Cont'd*)
APPORTIONMENT OF MEMBERS (*Cont'd*)
Frequency
Every five years. (Kan. X 2.)
Every ten years. (Fla. VII 2; Ill. IV 6; Ky. 33; Mich. V 4; Ohio XI 1; Tenn. II 4; Va. IV 43.)
Decennially or when new county established; apportionment not to take effect until general election next succeeding. (S.C. III 3, 5.)
To be made after every United States census. (Ala. IX 199, 200; Ga. III Sec. II 3; N.J. IV Sec. III; Pa. II 18; Tex. III 28; W.Va. VI 4.)
To be made at first regular session after each United States census. (Cal. IV 6; La. 18; Miss. XIII 256; N.C. II 4, 5; Okla. V 9 b.)
May be made at session next after completion of United States census. (Conn. Amend. XXXI 2.)
To be made at first session after each decennial enumeration of inhabitants made by state. (Mass. Amend. 21, 22; N.Y. III 4, 5.)
To be made after each enumeration of inhabitants made by state within every period of at most 10 years. (Me. IV Pt. I 2.)
To be made at session next following enumeration of inhabitants by United States or by state. (Ark. VIII 4; Md. III 5; Ore. IV 6.)
To be made after each United States census or after census taken by state for purpose of such apportionment (senate). (Vt. II 18.)
To be made at first session after United States census, or after state census if United States census not taken every tenth year or delayed. (Mo. IV 7.)
May be made by legislature after any new census taken by United States or by state. (R.I. Amend. XIII 1.)
To be made at first regular session held after taking of decennial census by state and after United States census. (Colo. V 45; Iowa III 34, 36; Minn. IV 23; Mont. VI 2; Nebr. III 2; Utah IX 2; Wash. II 3; Wyo. III Apportionment 2.)
To be made after each decennial enumeration to be made by legislature and also after each federal census; and at any regular session, legislature may redistrict state and apportion senators and representatives. (N.D. II 35.)
Lower House
Among counties according to number of inhabitants, each county to be entitled to at least one representative; to be as prescribed in constitution until apportionment made. (Ala. IX 198, 199, 202.)
Among counties as prescribed until otherwise provided by law. (Ariz. IV Pt. II 1.)

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

Among counties according to number of adult male inhabitants, each county to be entitled to at least one representative; 2,000 to be taken as ratio until maximum number of representatives reached, when ratio to be increased from time to time. To be as prescribed in constitution until apportionment made. (Ark. VIII 1.)

State to be divided into 80 districts, as nearly equal in population as may be, and composed of contiguous territory; each district electing one representative; to be numbered from one to 80, commencing at northern boundary and ending at southern boundary. No county, or city and county, to be divided unless containing sufficient population to form two or more districts, nor shall a part of any county or of any city and county be united with any other county, or city and county, in forming any district. Persons ineligible to become citizens of United States under naturalization laws not to be counted in estimating population. Existing apportionment to be in force until reapportionment. (Cal. IV 6.)

On basis of population according to ratios to be fixed by law. Districts may be altered from time to time but no county to be divided in the formation thereof; if district contains two or more counties, such counties to be contiguous. To be as prescribed in constitution until apportionment made. (Colo. V 45, 47, 49.)

Each town with population of 5,000 to be entitled to two representatives and every other one to be entitled to its present representation; newly incorporated town not to be entitled to a representative unless containing 2,500 inhabitants and unless town from which major portion of territory taken also contains 2,500 inhabitants; new town for purpose of representation, to be attached to old town until each contains 2,500 inhabitants. (Conn. Amend. 15, 18.)

State divided into 35 representative districts, the limits of each district being specified in the constitution, each district to elect one representative. (Del. II 2.)

Among counties as nearly as possible according to population; provided, each county to have one representative at large and no county to have more than three representatives. New county to be entitled to one member in excess of maximum limit until next apportionment. (Fla. VII 3, 4.)

Among counties: To the six counties having largest population three representatives each; to the 26 having next largest population two representatives each; to remaining counties one representative each. Aggregate number of representatives not to be increased in making any apportionment. To be as prescribed in constitution until apportionment made. (Ga. III Sec. III 1, 2.)

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

As provided by law, but each county to be entitled to one representative; if district contains more than one county, such counties to be contiguous, and no county to be divided in creating district. (Ida. III 4, 5.)

Three representatives to be elected in each senatorial district. (Ill. IV 7, 8.)

Among counties according to number of male inhabitants above 21 years of age; representative district to be composed of contiguous counties if more than one county included therein. (Ind. IV 5, 6.)

Ratio of representation determined by dividing population by whole number of counties, but each county to constitute one representative district and be entitled to one representative; each county having population of three-fifths or more of such ratio number in excess of the ratio number to be entitled to one additional representative, but said addition to extend only to the nine counties having greatest population; if district composed of two or more counties, not to be entirely separated by any county belonging to another district, and no county to be divided in forming a district. (Iowa III 35, 37.)

Each organized county to have at least one representative and each county to be divided into as many districts as it has representatives. To be as prescribed in constitution until apportionment made. (Lower house to admit one member for each county in which at least 250 legal votes were cast at next preceding general election; each organized county in which less than 200 legal votes were cast at such election to be attached to and constitute part of representative district of county lying next adjacent to it on the east.) (Kan. X 1, 3, II 2.)

State divided into 100 districts as nearly equal in population as may be without dividing county, except where county may include more than one district. Not more than two counties to be joined together to form a district; provided that in doing so the number requiring every district to be as nearly equal in population as may be shall not be violated. If inequality of population unavoidable, any advantage resulting therefrom to be given to district having largest territory. No part of county to be added to another county to make district, and counties forming district to be contiguous. (Ky. 33.)

Representation to be equal and uniform and based upon population, each parish and each ward of New Orleans to have at least one representative. Representative number to be fixed and each parish and ward of New Orleans to have as many representatives as such representative number is contained in total population thereof, and one additional representative for every fraction exceeding one-half the representative num-

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

ber. Newly created parish to be assigned one representative until next apportionment notwithstanding maximum limitation of total number of members, but if more than one representative in parish from which larger portion of territory taken for purpose of creating new parish, one of such representatives may be apportioned to new parish. Present apportionment to remain in force until reapportionment. (La. 18, 20.)

Among counties, as nearly as may be, according to number of inhabitants. Each town with 1,500 inhabitants may elect one representative; with 3,700 may elect two; with 6,700 may elect three; with 10,500 may elect four; with 15,000 may elect five; with 20,250 may elect six; with 26,250 may elect seven but no town to be entitled to more than seven. Towns with less than 1,500 to be formed into districts containing that number so as not to divide towns, each district electing one representative. When number of representatives is 200, different apportionment to take place upon the same principle. If town not entitled to representative refuses classification with other town, legislature may authorize it to elect representative for such portion of time as shall be equal to its portion of representatives. (Me. IV Pt. I 3.)

Each county with population of 18,000 to be entitled to two members; each county with population over 18,000 and less than 28,000, three members; each county with population of 28,000 and less than 40,000, four members; each county with population of 40,000 and less than 55,000, five members; each county with population of 55,000 and upwards, six members and no more. City of Baltimore divided into four districts of equal population and contiguous territory, each district being entitled to number of members to which largest county shall or may be entitled. Governor to arrange representation in accordance with apportionment prescribed after each national census or state census, and to declare by proclamation number to which each county and city of Baltimore entitled. To be as prescribed in constitution until reapportionment. (Md. III 3, 4, 5.)

Among counties equally, as nearly as may be, according to relative number of legal voters (town of Cohasset in county of Norfolk to be considered part of Plymouth). Secretary of state to certify, after determined by legislature, the number of representatives to which each county entitled, to board authorized to divide each county into representative districts, composed of mayor and alderman of Boston, county commissioners of other counties than Suffolk, or in lieu thereof, special commissioners in each county elected by people of county or of towns thereof. Such board, on first Tuesday of

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

August after each assignment of representatives, to divide county into districts of contiguous territory so as to apportion representation equally, as nearly as may be according to relative number of legal voters; no town or ward of city to be divided in forming district and no district to be made which shall be entitled to elect more than three representatives. Districts to be numbered, and description of each with numbers thereof and number of legal voters therein to be returned by board to secretary of state, county treasurer of each county, and clerk of every town in each district, to be filed and kept in their respective offices. (Mass. Amend. 21.)

Representatives to be elected by single districts containing as nearly as may be an equal number of inhabitants and consisting of convenient and contiguous territory; but no township or city to be divided in forming district. If population of township or city entitles it to more than one representative, such township or city to elect the number to which entitled. Each county, with such territory as may be attached thereto, to be entitled to separate representative when population thereof equals a moiety of the ratio of representation. County entitled to more than one representative to be divided by board of supervisors into districts equal to number of representatives to which entitled; description of such districts with number and population thereof to be filed in office of secretary of state and of clerk of said county. (Mich. V 3.)

To be apportioned equally throughout different sections of city in proportion to population thereof, exclusive of Indians not taxable. To be as prescribed in constitution until reapportionment. (Minn. IV 2, Sched. 10, 12.)

Each county to have at least one representative; certain counties specified in constitution, or territory then composing them, never to have less than 44 representatives together; remaining counties not specified, or territory then composing them, never to have less than 44 representatives. New counties to be entitled to one representative until next apportionment notwithstanding maximum limitation on total number of members. To be as prescribed in constitution until reapportionment. (Miss. XII 254, 256, Amend. 1914.)

Among counties according to population. Ratio obtained by dividing total population of state by 200; each county having one ratio or less to be entitled to one member; each county having two and one-half times ratio, to two members; each county having four times ratio, to three members; each county having six times ratio, to four members, and so on, giving one additional member for every two and one-half additional ratios. County entitled to more than one representative to be divided by county court into districts of compact and contiguous ter-

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

ritory equal in number to representatives to which county entitled, of equal population as nearly as may be; each district to elect one representative, provided, county entitled to more than 10 members to be divided by circuit court into districts so as to give each district not less than two nor more than four members. Districts may be altered from time to time; if district composed of two or more counties, such counties to be contiguous; districts to be as compact as may be and no county to be divided in formation thereof. To be as prescribed in constitution until reapportionment. (Mo. IV 2, 3, 8, 9.)

To be apportioned on basis of population according to ratios to be fixed by law. Districts may be altered from time to time; if district composed of two or more counties, such counties to be contiguous and district as compact as may be. No county to be divided in forming district. To be as prescribed until reapportionment. (Mont. VI 2, 3, 6.)

According to number of inhabitants excluding Indians not taxed and soldiers and officers of United States army and navy; to be as prescribed in constitution until otherwise provided by law. (Nebr. III 2, IV.)

To be as prescribed in constitution until otherwise provided by law. (Nev. XVII 6.)

Every town, or place entitled to town privileges, and wards of cities having 600 inhabitants, may elect one representative: if 1,800 inhabitants, may elect two representatives; and so proceeding, making 1,200 inhabitants the mean increasing number for any additional representative: Provided, no town to be divided or boundaries of any ward altered so as to increase the number to which such town or city entitled by last census; if town or city divided or boundaries of ward lines changed since last census, legislature to apportion representation equitably in such manner that the number shall not be greater than if division or alteration not made. Town, place or ward having less than 600 inhabitants to be authorized by legislature to elect a representative such proportionate part of time as the number of inhabitants bears to 600. (N.H. II 9, 10.)

Among counties as nearly as may be according to number of inhabitants, each county to be entitled to at least one member. (N.J. IV Sec. III 1.)

State to be divided into districts on basis of population, each county included in each district to be contiguous to some other county therein; new county to be annexed to a contiguous district. To be as prescribed in constitution until reapportionment. (N.M. IV 42.)

Among counties as nearly as may be according to number of inhabitants excluding aliens, each county (except Hamilton) to be entitled to one member. Ratio to be obtained by dividing whole number of inhabitants excluding aliens by number of

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

members of lower house. Each county containing less than ratio and one-half over to elect one member and every other county to elect two members; remaining members to be apportioned to counties having more than two ratios; members apportioned on remainders to be apportioned to counties having highest remainders in order thereof respectively; no county to have more members than county having greater number of inhabitants, excluding aliens. In any county entitled to more than one member, the board of supervisors (or common council in city embracing entire county and having no board of supervisors) to divide county into districts, according to number of inhabitants excluding aliens, of contiguous territory, each district to be wholly within senate district formed under same apportionment; number of districts to equal number of members to be elected. Description of such districts to be filed in office of secretary of state and of clerk of county. Members to be apportioned to counties as prescribed in constitution until new apportionment made. (N.Y. III 5.)

Among counties according to population, each county to have at least one representative although containing less than the ratio. Ratio obtained by dividing population of state, exclusive of that within those counties which do not severally contain the one hundred twentieth part of the population of the state, and by the number of representatives less the number assigned to such counties; aliens and Indians not taxed to be excluded in ascertaining population. Each county containing ratio and not twice the ratio to elect one member; each county containing twice but not three times the ratio to elect two members, and so on progressively, remaining representatives being assigned to counties having largest fractions. (N.C. II 6.)

To be elected at large from each senatorial district. To be as prescribed in constitution until otherwise provided by law. (N.D. II 35, XVIII 214.)

Ratio obtained by dividing population of state by 100. Each county with population equal to one-half of ratio to elect one member, each county containing ratio of three-fourths over to elect two representatives, and so on, requiring after the first two an entire ratio for each additional representative: Provided, each county to have one representative. County having large fraction above ratio to be entitled to a representative at certain sessions of the decennial period during which apportionment continues. If, in fixing subsequent ratio, county previously entitled to separate representation has less than number required by new ratio for a representative, such county to be attached to adjoining county having less number of inhabitants. To be as prescribed in constitution until apportionment made. (Ohio XI 1–5 Sched. 1851 19.)

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

Ratio obtained by dividing population of state by 100. Each county containing one-half of ratio to elect one member; each county containing ratio and three-fourths over to elect two members, and so on, requiring after first two an entire ratio for each additional representative; provided, no county to take part in election of more than seven representatives. County having large fraction above ratio to be entitled to a representative at certain census of the decennial period during which apportionment continues. Any county forming a part of a district, having acquired sufficient population, to be entitled to additional representative if sufficient population for a representative is left in district from which separated. If in fixing subsequent ratio a county forming separate district shall have less than number required by ratio for a representative, such county to be attached to adjoining county. No county to be divided except to make two or more districts therein; no town nor ward in city constituting only one voting precinct to be divided, nor shall any district contain greater excess in population over adjoining district in same county than population of town or ward, constituting only one voting precinct, adjoining such district. To be as prescribed in constitution until apportionment made. (Okla. V 10, 11.)

Among counties according to white population. Ratio of senators and representatives to be determined by dividing white population of such county or district by such respective ratios; when fraction results exceeding one-half of ratio, county or district to be entitled to a member for such fraction, county not containing requisite population for one member to be attached to some adjoining county. (Ore. IV 6.)

Ratio obtained by dividing population of state by 200. Each county containing less than five ratios to have one representative for each ratio and an additional representative when surplus exceeds half a ratio; but each county to have at least one representative. Each county containing five ratios or more to have one representative for each full ratio; each city containing a ratio to elect separately its proportion of representatives allotted to county in which located. Each city entitled to more than four representatives and each county with over 100,000 inhabitants to be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district to elect more that four representatives. (Pa. II 17.)

Lower house to be constituted on basis of population, allowing one representative for a fraction exceeding half the ratio, but each town and city to be entitled to at least one member

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

and no town or city to have more than one-fourth of whole number. Each town and city to be divided into as many districts as it is entitled to representatives, each district to elect one representative. Districts to be as nearly equal in population and as compact in territory as possible. (R.I. Amend. XIII 1.)

Among counties according to number of inhabitants in each, each county to constitute one election district. One representative to be allowed to every one hundred twenty-fourth part of whole number of inhabitants in state, but each county to have at least one representative in spite of deficiency of population. If total number of representatives not assigned, deficiency to be supplied by assigning representatives to the counties having largest surplus fractions.. No apportionment of representatives to take effect until general election succeeding such apportionment. To be as prescribed in constitution until reapportionment. (S.C. III 3, 4, 5.)

State to be apportioned according to number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy. To be as prescribed in constitution until reapportionment. (S.D. III 5, XIX 2.)

Among counties according to number of qualified voters in each; any county having two-thirds of ratio to be entitled to one member. (Tenn. II 5.)

Among counties according to population in each, as nearly as may be of ratio obtained by dividing population of state by number of members of lower house. Single county having sufficient population for one representative to form separate district; if two or more counties required to make up ratio, such counties to be contiguous; if population in one county is sufficient for one or more representatives, such representative or representatives to be apportioned to such county, and if any surplus it may be joined in district with any other contiguous county or counties. To be as prescribed in constitution until reapportionment. (Tex. III 26, 28.)

On basis of population according to ratios to be fixed by law. To be as prescribed in constitution until reapportionment. (Utah IX 2, 4.)

Each incorporated town to elect one member. (Vt. II 13.)

State divided into districts. Existing apportionment to continue until reapportionment. (Va. IV 42, 43.)

To be apportioned to districts according to number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of United States army and navy in active service. To be as prescribed in constitution until reapportionment. (Wash. II 3, XXII 2.)

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Lower House (*Cont'd*)

Ratio ascertained by dividing population of state by number of members of house and rejecting fraction of unit resulting, if any. Dividing population of each district and of each county not included in district by such ratio, a number of delegates equal to quotient obtained, excluding fraction of remainder, to be assigned to each; additional delegates to make up total number of house to be assigned to those districts and counties having largest fraction, but every district and county not included in district to be entitled to at least one delegate. Every county containing population of less than three-fifths of ratio to be attached, at each apportionment, to some contiguous county or counties and to form a district. If additional territory admitted to state, provision to be made by law for representation thereof. Representation to be as prescribed until reapportionment. (W.Va. VI 6–9, 11.)

To be apportioned to districts according to number of inhabitants, excluding Indians not taxed, soldiers, and officers of United States army and navy. Representatives to be chosen by single districts, bounded by county precinct, town or ward lines, consisting of contiguous territory, and of as compact form as practicable. To be as prescribed in constitution until reapportionment. (Wis. IV 3, 4, XIV 12.)

Among counties as nearly as may be according to number of inhabitants, each county to have at least one representative; each county to constitute a district. Ratio of representation to be fixed by law. Districts may be altered from time to time but no county to be divided in formation thereof; if district composed of two or more counties such county to be contiguous and district as compact as may be. To be as prescribed in constitution until reapportionment. (Wyo. III 3, Apportionment 2, 3, 4.)

Senate

State to be divided into senatorial districts equal to number of senators; districts to be as nearly equal in number of inhabitants as possible, and each to be entitled to one senator only; districts not to be changed until next apportionment but counties created after last apportionment may be attached; no county to be divided between two districts and no district to be composed of two or more counties not contiguous; to be as prescribed as in constitution until apportionment made. (Ala. IX 200, 202.)

Among counties as prescribed until otherwise provided by law. (Ariz. IV Pt. II 1.)

State to be divided in senatorial districts according to number of adult male inhabitants, each senator representing an equal number as nearly as practicable; each district to consist of contiguous territory and no county to be divided in the for-

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Senate (*Cont'd*)

mation of a district. To be as prescribed in constitution until apportionment made. (Ark. VIII 2, 3.)

State to be divided into 40 districts, as nearly equal in population as may be, and composed of contiguous territory; each district electing one senator; to be numbered from one to 40, commencing at northern boundary and ending at southern boundary. No county, or city and county, to be divided unless containing sufficient population to form two or more districts, nor shall a part of any county or of any city and county be united with any other county, or city and county, in forming any district. Persons ineligible to become citizens of the United States under naturalization laws not to be counted in estimating population. Existing apportionment to be in force until reapportionment. (Cal. IV 6.)

On basis of population according to ratios to be fixed by law. Districts may be altered from time to time but no county to be divided in the formation thereof; if district contains two or more counties, such counties to be contiguous. To be as prescribed in constitution until apportionment made. (Colo. V 45, 47, 48.)

State to be divided into not less than 24 nor more than 36 districts, each district to elect one senator; districts to be composed of contiguous territory and of equal population as nearly as practicable; no county or part thereof to be joined to another county or part thereof to form a district and no town to be divided unless to form more than one district wholly within such town, and each county to have at least one senator. (Conn. Amend. XXXI 2.)

State divided into 17 senatorial districts, the limits of each district being specified in the constitution, each district to elect one senator. (Del. II 2.)

Among senatorial districts; if district composed of two or more counties, such counties not to be entirely separated by county belonging to another district. New county to be assigned when created to one of adjoining districts as determined by legislature. (Fla. VII 3, 4.)

State divided into 44 districts, each electing one senator; not to change number of districts nor to increase number of senators from each district. To be as prescribed in constitution until apportionment made. (Ga. III Sec. II 1, 2.)

As provided by law but each county to be entitled to one representative. If district contains more than one county, such county to be contiguous, and no county to be divided in creating district. (Ida. III 4, 5.)

State to be divided into 51 senatorial districts, formed of contiguous and compact territory bounded by county lines and containing as nearly as practicable equal number

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Senate (*Cont'd*)

of inhabitants, but no district to contain less than four-fifths of senatorial ratio, ascertained by dividing population of state by fifty-one; each district to elect one senator, but counties containing not less than the ratio and three-fourths may be divided into separate districts and entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained in excess of twice said ratio. (Ill. IV 6.)

Among counties according to number of male inhabitants above 21 years of age; senatorial district to be composed of contiguous counties if more than one county included therein, and no county to be divided. (Ind. IV 5, 6.)

Among counties or districts according to population; if district composed of two or more counties, not to be entirely separated by county belonging to another district and no county to be divided in forming a district. (Iowa III 34, 37.)

Each organized county to have at least one representative and each county to be divided into as many districts as it has representatives. To be as prescribed in constitution until apportionment made. (Kan. X 1, 3.)

State divided into 38 districts as nearly equal in population as may be without dividing county, except where county may include more than one district; if inequality of population unavoidable, any advantage resulting therefrom to be given to district having largest territory. No part of county to be added to another county to make a district, and counties forming district to be contiguous. (Ky. 33.)

State to be divided into districts according to population; no parish (parish of Orleans excepted) to be divided in forming district. New parish to be attached to district from which most of its territory taken or to another contiguous district, at discretion of legislature, but not to be attached to more than one district. Present apportionment to remain in force until reapportionment. (La. 19, 20.)

State to be divided into districts conforming as near as may be to county lines, and to be apportioned according to number of inhabitants. (Me. IV Pt. II 2.)

Each county to be entitled to one senator, and city of Baltimore to be divided into four districts of equal population and of contiguous territory, each district electing one senator. (Md. III 2.)

Legislature to divide state into 40 districts of adjacent territory, each containing, as nearly as may be, equal number of legal voters; no town or ward of city to be divided, and districts to be formed, as nearly as may be, without uniting two counties or parts of two or more counties into one district. Each district to elect one senator. (Mass. Amend. 22.)

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Senate (*Cont'd*)

State to be divided into 32 numbered districts, each electing one senator; no county to be divided in forming district unless equitably entitled to two or more senators. (Mich. V 2.)

To be apportioned equally throughout different sections of city in proportion to population thereof, exclusive of Indians not taxable. Senators to be chosen by single districts of convenient, contiguous territory; no representative district to be divided in formation of senators. To be as prescribed in constitution until reapportionment. (Minn. IV 2, 24, Sched. 10, 12.)

Among districts according to population. To be as prescribed in constitution until reapportionment. (Miss. XIII 255, Amend. 1914.)

State to be divided into districts as nearly equal in population as may be. County entitled to more than one senator to be subdivided by circuit court into districts of compact and contiguous territory and of equal population, corresponding in number to senators to which county entitled, each district to elect one senator. Districts may be altered from time to time; if district composed of two or more counties, such counties to be contiguous; district to be as compact as may be and no county to be divided in formation thereof. To be as prescribed in constitution until reapportionment. (Mo. IV 5, 6, 9, 11.)

State to be divided into districts, but no more than one senator to be elected from each county. New county to be entitled to one senator, but in no case shall senatorial district consist of more than one county. To be as prescribed until reapportionment. (Mont. V 4, VI 4, 5.)

According to number of inhabitants excluding Indians not taxed and soldiers and officers of United States army and navy; to be as prescribed in constitution until otherwise provided by law. (Nebr. III 2, IV.)

To be as prescribed in constitution until otherwise provided by law. (Nev. XVII 6.)

State to be divided into 24 districts as nearly equal as may be without dividing towns and unincorporated places; in making division, to be governed by proportion of direct taxes paid by said districts. (N.H. II 25.)

One senator from each county. (N.J. IV Sec. II 1.)

State to be divided into districts on basis of population, each county included in each district to be contiguous to some other county therein; new county to be annexed to a contiguous district. To be as prescribed in constitution until reapportionment. (N.M. IV 42.)

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Senate (*Cont'd*)

State to be divided into 50 districts containing as nearly as may be an equal number of inhabitants, excluding aliens, each district to elect one senator; district to consist of contiguous territory and no county to be divided except to make two or more districts wholly in such county; no town and no block in a city enclosed by public ways to be divided. No district to contain greater excess in population over adjoining district in same county than population of town or block therein adjoining such district; no county to have four or more senators unless it have full ratio for each senator, no county to have more than one-third of all the senators, and no two counties, or the territory thereof as now organized, which are adjoining the separated one by public waters, to have more than one-half of all the senators. Ratio for apportioning senators to be obtained by dividing inhabitants excluding aliens by 50. If county having three or more senators at time of apportionment be entitled to additional number, such additional number to be given notwithstanding maximum limitation on number of senate. Apportionment to be as prescribed in constitution until apportionment by legislature. (N.Y. III 3, 4.)

State to be divided into districts consisting of contiguous territory and containing as nearly as may be equal number of inhabitants excluding aliens and Indians not taxed; no county to be divided unless entitled to two or more senators. (N.C. II 4.)

State to be divided into as many districts as there are senators; each district to contain as nearly as may be equal number of inhabitants entitled to representation, to be composed of compact and contiguous territory, and no portion of any county to be attached to any other county or part thereof to form a district. Each district to be entitled to one senator only. To be as prescribed in constitution until otherwise provided by law. (N.D. II 29, XVIII 214.)

Ratio obtained by dividing population of state by 35. Rules which govern apportionment for lower house to apply in apportioning fractions and in annexing districts which contain less than three-fourths of ratio; county forming part of district, having acquired full ratio of population, to be made separate district at regular apportionment if full ratio left in district from which taken. To be as prescribed in constitution until apportionment made. (Ohio XI 6–9.)

State to be divided into 44 districts, each to elect one senator, each containing as nearly as may be equal number of inhabitants and to consist of contiguous territory; no county to be divided except to make two or more districts wholly in such county; no town and no ward in a city, when con-

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Senate (*Cont'd*)

stituting only one voting precinct, to be divided, and no district to contain greater excess in population over adjoining district in same county than the population of town or ward, constituting only one voting precinct, adjoining such district. If at time of apportionment any county entitled to three or more senators, such additional number shall be given notwithstanding maximum number of senators prescribed. To be as prescribed in constitution until apportionment made. (Okla. V 9, 11.)

Among counties according to white population. Ratio of senators and representatives to be determined by dividing white population of such county or district by such respective ratios; when fraction results exceeding one-half of ratio, county or district to be entitled to a member for such fraction, county not containing requisite population for one member to be attached to some adjoining county. District containing more than one county to be composed of contiguous counties and no county to be divided in creating a district. (Ore. IV 6, 7.)

State to be divided into 50 districts of compact and contiguous territory as nearly equal in population as may be, each district to elect one senator. Ratio obtained by dividing population of state by 50. Each county containing one or more ratios to have one senator for each ratio and an additional senator for a surplus exceeding three-fifths of a ratio, but no county to form separate district unless containing four-fifths of ratio, except where adjoining counties are each entitled to one or more senators, when such county may be assigned a senator on less than four-fifths and exceeding one-half of a ratio; no county to be divided unless entitled to two or more senators. No city or county to be entitled to separate representation exceeding one-sixth of whole number of senators. No ward, borough or township to be divided in formation of district. (Pa. II 16.)

Each town or city to have one senator. (R.I. VI 1.)

One member from each county. (S.C. III 6.)

State to be apportioned according to number of inhabitants, excluding Indians not taxed, and soldiers and officers of United States army and navy. To be as prescribed in constitution until reapportionment. (S.D. III 5, XIX 2.)

Among several counties or districts according to number of qualified voters in each. If district composed of two or more counties, such counties to be adjoining, and no county to be divided in forming district. In apportioning senators the fraction that may be lost by any county or counties in apportionment of members of lower house to be made up in senate as nearly as practicable. (Tenn. II 6.)

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LEGISLATURE (*Cont'd*)

APPORTIONMENT OF MEMBERS (*Cont'd*)

Senate (*Cont'd*)

To be apportioned on basis of population according to ratios to be fixed by law. If more than one county in district, such counties to be contiguous, and no county to be divided in formation of district unless containing sufficient population within itself to form two or more districts; nor shall a part of any county be united with any other county in forming district. To be as prescribed in constitution until reapportionment. (Utah IX 2, 4.)

Among counties according to population, each county being entitled to at least one senator. (Vt. II 18.)

State divided into districts. Existing apportionment to continue until reapportionment. (Va. IV 41, 43.)

To be apportioned to districts according to number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of United States army and navy in active service. Senators to be elected by single districts of convenient and contiguous territory; no representative district to be divided in formation of senatorial district. To be as prescribed in constitution until reapportionment. (Wash. II 3, 6, XXII 1.)

State to be divided into 12 senatorial districts, which number shall not be diminished but may be increased. Each district to elect two senators, but where composed of more than one county, both not to be chosen from same county. Districts to be compact, formed of contiguous territory, bounded by county lines, and equal in population as nearly as practicable. If additional territory admitted to state, provision to be made for representation thereof in senate; representation to be as prescribed in constitution until reapportionment. (W.Va. VI 4, 5, 11.)

To be apportioned to districts according to number of inhabitants, excluding Indians not taxed, soldiers and officers of the United States army and navy. Senators to be chosen by single districts of convenient, contiguous territory; no assembly district to be divided in forming senate district. To be as prescribed in constitution until reapportionment. (Wis. IV 3, 5, XIV 12.)

Among counties as nearly as may be according to number of inhabitants, each county to have at least one senator; each county to constitute a district. Ratio of representation to be fixed by law. To be as prescribed in constitution until reapportionment. (Wyo. III 3, Apportionment 2, 4.)

COMMITTEES

Auditing Committee

To be appointed at each regular session consisting of two members of senate and three members of lower house; to examine books and accounts of auditor, state treasurer, secretary of state and other executive officers whose duties pertain to

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LEGISLATURE (*Cont'd*)
COMMITTEES (*Cont'd*)
Auditing Committee (*Cont'd*)
auditing or accounting for state revenue; to report result of investigation to governor and cause same to be published in two newspapers of general circulation in state; may sit during recess of legislature, receive such compensation as prescribed by law and employ one or more accountants to assist it. (Va. IV 68.)
Committee of Conference, Adoption of Report of, *See* LEGISLATIVE PROCEDURE — REFERENCE TO COMMITTEE.
Committee of Whole
Proceedings public, *See below, this title,* PROCEEDINGS PUBLIC.
Compensation
Committee of either house or joint committee of both houses, appointed to examine institutions of state other than at seat of government, may receive actual expenses in performance of duties; no allowance or reward for any purpose whatever to be paid to any committee of either house, except such per diem as provided by law, not to exceed $5. (Mo. IV 16.)
Election
Senate to provide for all standing committees and to elect members by majority vote. (Okla. V 28.)
Investigations by, *See below, this title,* INVESTIGATIONS BY.
On Expenditures
Joint standing committee to be created, with power to summon persons and examine on oath and call for public or official papers and records; duty to examine contracts for printing, stationery and purchases for public offices and library, and all expenditures therein and abuse of expenditures to which attention called by resolution of either house. (Md. III 24.)
On Special, Private and Local Legislation
Joint committees to be formed, consisting of seven members appointed by lower house and five members appointed by senate. (*For duties, See* SPECIAL AND LOCAL LAWS.) (Va. IV 51.)
Standing committees to be appointed; house committee to consist of seven members and senate committee of five. (*For duties, See* SPECIAL OR LOCAL LAWS. (Miss. IV 89.)
Reference of Bills to, *See* LEGISLATIVE PROCEDURE — REFERENCE TO COMMITTEE.
Trial of Cases Involving Rights and Privileges
Senate and lower house may try and determine such cases and which by constitution they have authority to try and determine, by committee of all members or in such other way as they may respectively think best. (Mass. Pt. II Ch. I Sec. III 11.)

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LEGISLATURE (*Cont'd*)

CONTEMPTS

See also below, this title, INVESTIGATIONS BY.

See also below, this title, MEMBERS — PUNISHMENT OF.

Offenses Punishable by Each House During Session

See also below, this title, INVESTIGATIONS BY — GENERAL POWERS IN.

Contempt. (R.I. IV 7.)

Disrespectful behavior in its presence. (W.Va. VI 26.)

Contempt and disorderly behavior. (Wis. IV 8.)

Disrespect or disorderly and contemptuous behavior. (La. 26.)

Disorderly or contemptuous behavior in presence of house. (Ala. IV 53; Ark. V 12; Fla. III 9; Ga. III Sec. VII 2; Ill. IV 9; Ind. IV 15; Me. IV Pt. III 6; Md. III 23; Mass. Pt. II Ch. I Sec. III 10, 11; Minn. II 18; Miss. IV 58; Mo. IV 17; Mont. V 11; Nebr. III 7; Nev. IV 7; N.H. II 21, 22; N.M. IV 11; N.D. II 48; Ore. IV 16; S.C. III 13; Tenn. II 14; Tex. III 15; Wyo. III 12.)

Obstructing proceedings. (Me. IV Pt. III 6; Miss. IV 58; N.H. II 21, 22; W.Va. VI 26.)

Obstructing officer in execution of duties. (Md. III 23; W.Va. VI 26.)

Assaulting or disturbing officer in execution of order or procedure of house. (N.H. II, 21, 22.)

Assaulting, threatening, or abusing member for words spoken in debate. (W.Va. VI 26.)

Theatening, assaulting or abusing member for anything said, done or doing in either house. (Me. IV Pt. III 6.)

Threatening harm (during session) to body or estate of member for anything said or done in either house, or assaulting any of them therefor. (S.C. III 13.)

Threatening harm (in town where session held and during session) to body or estate of member for anything said or done in either house, or assaulting any of them therefor. (Mass. Pt. II Ch. I Sec. III 10, 11.)

Threatening or ill-treating member, or breach of the peace in making arrest for debt or assaulting member during attendance at session. (N.H. II 21, 22.)

Assaulting or arresting witness or other person ordered to attend house, either in going to or returning. (Mass. Pt. II Ch. I Sec. III, 10, 11; S.C. III 13.)

Assaulting witness or other person ordered to attend by, and during attendance of, house, knowing him to be such. (N.H. II 21, 22.)

Refusal to attend as witness or to bring any paper proper to be used as evidence before legislature or either house or committee of either, or to testify concerning matters which may be proper subject of inquiry by legislature. (Ky. 39.)

Rescuing person arrested by order of house. (Mass Pt. II Ch. I Sec. III 10, 11; S.C. III 13.)

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LEGISLATURE (*Cont'd*)
CONTEMPTS (*Cont'd*)
Offenses Punishable by Each House During Session (*Cont'd*)
Rescuing or attempting to rescue person arrested by order of house. (Ga. III Sec. VII 2.)
Rescuing person arrested by order of house, knowing him to be such. (N.H. II 21, 22.)
Punishment
Nature of
Imprisonment. (Tenn. II 14.)
Imprisonment, but not at any time to exceed 24 hours. (Ind. IV 15; Minn. IV 18; Ore. IV 16.)
Imprisonment, but not to extend beyond 24 hours at one time, unless disorderly or contemptuous behavior persisted in. (Ill. IV 9; Nebr. III 7.)
Imprisonment, but not to exceed 48 hours at any one time. (Tex. III 15.)
Imprisonment, not to exceed 10 days. (Md. III 23; N.H. II 21, 22.)
Imprisonment, not exceeding 10 days for each offense. (La 26.)
Imprisonment, but not to exceed 30 days. (Mass. Pt. II Ch. I Sec. III 10, 11; N.D. II 48.)
Punishment and procedure to be prescribed by law, but imprisonment not to extend beyond session. (Ky. 39.)
Imprisonment, but not to extend beyond session. (Ga. III Sec. VII 2; Me. IV Pt. III 6; Nev. IV 7; S.C. III 13; W.Va. VI 26.)
Fine not exceeding $300, or imprisonment not exceeding 10 days, or both. (Mo. IV 17.)
Imprisonment not to extend beyond final adjournment. (Fla. III 9; Miss. IV 58.)
Effect of
Not to bar indictment for same offense. (Ark. V 12.)
Not to bar criminal prosecution for same offense. (Mont. V 11; N.M. IV 11; N.D. II 48.)
Not to prevent punishment of any offense by ordinary course of law. (W.Va. VI 26.)
ELECTIONS BY
Concurrence of Senate in Appointment of Officers, *See* GOVERNOR — APPOINTMENTS BY.
Entering Vote on Journal
To be entered. (Ala. IV 83; Ark. V 14; Cal. IV 28; Ga. III Sec. X; Iowa III 38; Minn. IV 30; N.D. II 54; S.D. III 14; Tenn. IV 4; Va. II 27; Wash. II 27; W.Va. VI 44; Wis. IV 30.)
Yeas and nays to be entered. (Okla. V 31.)
To be entered, except where only one candidate nominated, in which case election to be *viva voce* without roll call. (S.C. III 20 1915.)

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LEGISLATURE (*Cont'd*)

ELECTIONS BY (*Cont'd*)

Freedom of

To be free and voluntary. (Vt. II 51.)

Manner of Voting

Viva voce in all elections. (Ala. IV 83; Cal. IV 28; Fla. VI 6; Ga. III Sec. X; Iowa III 38; Kan. IV 1; Minn. IV 30; Miss. IV 76; N.C. VI 6; Ohio II 27; S.D. III 14; Tenn. IV 4; Wash. II 27; W.Va. VI 44; Wis. IV 30.)

Viva voce in all elections by legislature or either house. (Ind. II 13; Mich. V 17; Nev. II 5; N.D. II 54.)

All elections by persons in representative capacity to be *viva voce*. (Ark. III 12; La. 203; Mo. VIII 6; Pa. VIII 12; Va. II 27.)

Openly or *viva voce* and not by ballot in all elections by legislature or either branch. (Ore. II 15.)

Viva voce in all elections and votes to be entered on journal (S.C. III 20.)

Viva voce in election of governor. (Md. II 4.)

Viva voce in election of all officers whose appointment conferred upon legislature by constitution. (N.C. II 9.)

By yeas and nays in all elections, except for officers and employees. (Okla. V 31.)

Viva voce in appointment of officers civil or military by joint or concurrent vote of both houses or by separate vote of either house. (Ark. V 14.)

Viva voce all elections by houses jointly or separately, except in election of officers. (Tex. III 41.)

Presiding Officer in Joint Elections

President of senate to preside and decide result. (Ga. III 10.)

Of Governor to Other Office, *See* GOVERNOR — QUALIFICATIONS AND DISQUALIFICATIONS — DUAL OFFICE-HOLDING.

Officers to Be Elected

No officers to be appointed or elected by legislature. (Ill. V 10; Nebr. V 10; W.Va. VII 8.)

Legislature not to exercise appointing power, except as provided in constitution. (Ohio II 27.)

Not to elect any other than own officers, state librarian, and United States senators; but section not to prohibit from appointing presidential electors. (Miss. IV 99.)

Attorney-general. (Me. IX 11.)

Auditor. (Va. V 82.)

Brigadier-generals may be elected by legislature from time to time whenever necessary. (Vt. II 42, 43.)

Commissary-general. (N.H. II 66.)

Comptroller. (N.J. VII Sec. II 3; Tenn. VII 3.)

Secretary of state. (Me. V Pt. III 1; N.H. II 66; Tenn. III 17.)

Treasurer. (Me. V Pt. IV 1; Md. VI 1; N.H. II 66; N.J. VII Sec. II 3; Tenn. VII 3.)

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LEGISLATURE (*Cont'd*)
ELECTIONS BY (*Cont'd*)
Officers to Be Elected (*Cont'd*)
Judges of supreme court of appeals. (Va. VI 91.)
Judges of supreme court. (R.I. X 4; S.C. V 2; Vt. II 42.)
Judges of supreme court of errors to be appointed by legislature upon nomination of governor. (Conn. Amend. 26.)
Judges of superior court to be appointed by legislature upon nomination of governor. (Conn. Amend. 26.)
Judges of circuit court. (S.C. V 13; Va. VI 96.)
Judges of county court. (Vt. II 42.)
Judges of common pleas court. (N.J. VII Sec. II 2.)
Judges of city court of record. (Va. VI 99.)
Major-general of militia appointed by senate and lower house, each having a negative upon other. (Mass. Pt. II Ch. II Sec. I 10; Me. Amend. 28.)
Major-generals may be elected from time to time when necessary, by legislature. (Vt. II 42, 43.)
Naval officers to be elected annually by joint ballot. (Mass. Pt. II Ch. II, Sec. IV 1.)
State librarian elected by joint vote of both houses. (Miss. IV 106.)
No member to vote for any other member for any office whatever, except as provided in constitution. (Tex. III 18.)
ELECTION OF MEMBERS
See also ELECTIONS.
Contested Elections
To be determined as directed by law. (Iowa III 7; Ky. 38; Tex. III 8.)
Trial and determination of, to be by courts of law, or law judge thereof; legislature to regulate by general law. (Pa. VIII 17.)
To prescribe by law manner in which evidence to be taken in case of contested seats in either house. (Minn. IV 17.)
Determination of Result
Each house to be judge of election of own members. (Ariz. IV 8; Colo. V 10; Me. IV Pt. III 3; N.M. IV 7; Pa. II 9; R.I. IV 6; Tenn. II 11; Tex. III 8; Utah VI 10; Vt. II 16.)
Each house to be judge of election of own members as prescribed by constitution and law of state. (Md. III 19.)
Each house to be judge of election returns of own members. (N.D. II 47; S.C. III 11; S.D. III 9.)
Each house to be judge of elections and returns of own members. (Ala. IV 51; Cal. IV 7; Del. II 8; Fla. III 6; Ga. III Sec. VII 1; Ida. III 9; Ill. IV 9; Ind. IV 10; Iowa III 7; Kan. II 8; Ky. 38; La. 25; Mass. Pt. II Ch. I Sec. II 4, Sec. III 10; Mich. V 15; Minn. IV 3; Miss. IV 38; Mont. V 9; Nebr. III 7; Nev. IV 6; N.H. II 21, 34; N.J. IV Sec. IV 2; N.Y. III 10; N.C. II 22; Ohio II 6; Okla. V 30; Ore. IV 11; Va. IV 47; Wash. II 7; W.Va. VI 24; Wis. IV 7.)

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LEGISLATURE (*Cont'd*)

ELECTION OF MEMBERS (*Cont'd*)

Determination of Result (*Cont'd*)

Each house to be sole judge of election and returns of own members. (Ark. V 11; Mo. IV 17.)

Each house to be judge of elections and returns of own members; senate to determine and declare, on first Wednesday of January annually, who are elected senators. (Mass. Pt. II Ch. I Sec. II 4, Sec. III 10.)

Electors

Electors of respective counties or districts. (Ida. III 2; Ind. IV 2; Ohio II 2; Ore. IV 3.)

Qualified electors. (Ala. IV 46; Me. IV Pt. I 4, Pt. II 1; S.C. III 6; Tex. III 3, 4.)

Qualified electors of respective districts. (Ark. V 2, 3; Iowa III 3; Nev. IV 3, 4; Utah VI 3, 4; Wis. IV 4; Wyo. XXI 18.)

Qualified electors as prescribed. (Mass. Pt. II Ch. I Sec. II 2, Amend. III 32; R.I. II 1, Amend. XIII 1.)

Voters of respective districts. (Va. IV 41, 42.)

Legal voters of counties. (N.J. IV Sec. II 1, Sec. III 1.)

Qualified voters of several counties and districts. (Mo. IV 2, 5.)

Citizens of state qualified as provided in constitution. (S.C. III 2, 6.)

Male citizens qualified as prescribed. (Va. II 18, 21.)

Every male of 21 years of age, except paupers and persons excused from paying taxes at own request. (N.H. II 27, 12.)

Every male of 21 years of age being citizen of United States and resident of state for one year and of county for six months next preceding election. (Tenn. IV 1.)

Failure of People to Elect

If tie vote occur in election for senators, lower house to elect. (Conn. Amend. III Sec. III 6.)

If in any district no senator elected by plurality, members of lower house and such senators as declared elected, to elect by joint ballot one of two persons having highest number of votes. (N.H. II 33.)

If failure to elect senator, lower house and senators elected to elect by joint ballot from highest number of persons voted for equal to twice number of senators deficient in each district. (Me. IV Pt. II 5; Mass. Pt. II Ch. I Sec. II 4.)

Frequency

Annual. (Mass. Amend. 15.)

Annual for lower house and for one-half of senate. (N.J. IV Sec. I 3, Sec. II 2, Sec. III 1.)

Biennial. (Cal. IV 3, 4; Colo. V 2; Conn. Amend. XXVII 1; Ga. III Sec. IV 2; Ill. IV 2; Mich. V 12; N.H. II 11, 26; N.C. II 3, 5; Ohio II 2; R.I. Amend. XVI 1; Tenn. II 7; Vt. II 18; Wyo. III 3.)

Biennial for lower house and for one-half of senate. (Ark. V 2, 3; Fla. III 3, VII 2; Iowa III 3, 6; Ky. 31; Md. III 7; Mo. IV 10; Nev. IV 3, 4, XVII 10; Okla. V 9, 10; S.C. III

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LEGISLATURE (*Cont'd*)
ELECTION OF MEMBERS (*Cont'd*)
Frequency (*Cont'd*)
2, 8; Utah VI 3, 4; Wash. II 5, 6; W.Va. VI 3; Wis. IV 4, 5.)
Biennial for lower house and for one-half of senate, but entire senate to be elected after each apportionment. (Minn. IV 24.)
Biennial for lower house; quadrennial for senate. (Kan. II 29; Va. IV 41, 42.)
Quadrennial. (Ala. IV 46.)
Minority Representation
Cumulative voting authorized in elections of members of lower house. (Ill. IV 7, 8.)
Return and Canvass of Vote
Detailed provisions for counting, declaring, returning and canvassing vote. (Conn. III 5, 6; Me. IV Pt. I 5; Mass. Pt. II Ch. I Sec. II 2, 3; Vt. II 37, 39.)
Termination
Shall terminate on same day. (Tenn. II 7.)
Time
As provided by law. (Miss. IV 37.)
To be fixed by legislature. (Okla. V 10.)
General election. (Mo. IV 10.)
On day provided by law for holding general election of state officers or representatives in Congress. (N.M. IV 4.)
On day provided by law for general election of member of Congress. (Wyo. III 5.)
First Wednesday of January. (Md. III 14.)
First Thursday in August, subject to change by legislature. (N.C. II 27.)
First Tuesday in October. (Colo. V 2.)
Second Tuesday in October, except years of presidential election, then to be on Tuesday next after first Monday in November. (Iowa III 3, 5.)
First Wednesday in October until changed by law. (Ga. III Sec. IV 2.)
In month of November. (N.H. II 11, 26.)
First Tuesday after first Monday in November. (Conn. Amend. XXXI 1; Fla. III 3; Ill. IV 2; Md. III 7; Mich. V 12; Nev. IV 3, 4; N.J. IV Sec. I 3; Ohio II 2; R.I. Amend. XVI 1; S.C. III 8; Tenn. II 7; Utah VI 3; Vt. II 36; Va. IV 41, 42; Wis. IV 4.)
Tuesday following first Monday in November of each even year. (Wyo. VI Elections 5.)
First Tuesday after first Monday in November, unless otherwise changed by law. (Wash. II 5; W.Va. IV 7.)
First Tuesday after first Monday in November, unless changed by legislature. (Ala. IV 46; Cal. IV 3, 4; N.Y. III 9.)
Tuesday after first Monday in November; if failure to elect representatives, second election to be held fourth Monday of same month. (Mass. Amend. 15.)
Vacancies, *See below, this title,* VACANCIES.

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LEGISLATURE *(Cont'd)*

EMPLOYEES

See also below, this title, OFFICERS.

Appointment

Each house to choose own employees. (N.M. IV 9; S.D. III 9; Utah VI 12.)

Compensation

In General

Each house to fix pay of own employees. (S.D. III 9.)

To be fixed by legislature. (Ky. 249.)

To be fixed by general law at a per diem for time actually employed in discharge of duties. (Va. IV 66.)

To be prescribed by law; no payment to be made or authorized to any such person, except to an acting employee elected or appointed according to law. (Ala. IV 67; Colo. V 27; Mont. V 28; Pa. III 10; Wyo. III 29.)

No allowance or emolument for any purpose whatever to be paid to any agent, servant or employee of either house, except such per diem as may be provided for by law, not to exceed $5. (Mo. IV 16.)

Not to exceed amounts specified. (N.M. IV 9.)

Clerical expenses of senate not to exceed $60 a day for each session nor those of lower house $70 a day for each session. (Ga. III 8.)

Total expense for officers, employees and attaches, not to exceed $500 per diem for either house at regular session, nor $200 per diem for either house at special session. (Cal. IV 23.)

None to be paid unless fixed by law in force prior to election or appointment of such employee. (Nev. IV 28.)

Increase or Decrease

Pay of employee or attache not to be increased after election or appointment. (Cal. IV 23.)

Not to be increased except by general law, which shall not take effect during term at which increase made. (Okla. V 49.)

Not to be increased or diminished so as to apply to any employee at such session. (Nev. IV 28.)

Number

To prescribe by law number of, of each house. (Ala. IV 67; Colo. V 27; Mont. V 28; Pa. III 10; Wyo. III 29.)

To prescribe by general law number of, of each house, including clerk. (Va. IV 66.)

Not to exceed specific employees enumerated. (Ky. 249; N.M. IV 9.)

Not to be increased except by general law, which shall not take effect during term at which increase made. (Okla. V 49.)

Legislature not to employ any one in name of state unless authorized by pre-existing law. (Tex. III 44.)

Duties

To prescribe by law duties of, for each house. (Ala. IV 67; Colo. V 27; Mont. V 28; Pa. III 10; Wyo. III 29.)

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LEGISLATURE (*Cont'd*)

EXPENSES

Of Members, *See below, this title,* MEMBERS — COMPENSATION.

Payment of

All expenses connected with session may be paid out of treasury pursuant to resolution in that behalf. (Del. VIII 6.)

Statement of

Auditor, within 60 days after adjournment of each session, to prepare and publish full statement of all money expended at such session, specifying amount of each item and to whom and for what paid. (Ill. IV 17; Miss. IV 113; Nebr. III 22.)

GENERAL POWERS

To have all powers necessary for legislature of free state. (Ala. IV 53; N.M. IV 2; N.D. II 48; Wyo. III 12.)

Each house to have all other powers necessary for branch of legislature of free state. (Colo. V 12; Conn. III 8; Del. II 9; Ind. IV 16; Iowa III 9; Mont. V 11; Ore. IV 17; Pa. II 11; Tenn. II 12.)

To make all laws or ordinances consistent with the constitution and not repugnant to Constitution of the United States, which they may deem necessary and proper for welfare of state. (Ga. III Sec. VII 22.)

With exceptions stated, to have full power to make and establish all reasonable laws and regulations for benefit of people of state, not repugnant to state or United States Constitution. (Me. IV Pt. III 1.)

To make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions and instructions, either with penalties or without, not repugnant or contrary to constitution, as deemed necessary. (Mass. Pt. II Ch. I Sec. I 4; N.H. II 5.)

Authority to extend "to all rightful subjects of legislation, and any specific grant of authority in this constitution, upon any subject whatever, shall not work a restriction, limitation, or exclusion of such authority upon the same or any other subject or subjects whatever". (Okla. V 36.)

May prepare bills and enact them into law, redress grievances, grant charters of incorporation, subject to provisions of constitution, constitute towns, boroughs, cities and counties and have all other power necessary for a free and sovereign state, but no power to add to, alter, abolish, or infringe any part of the constitution. (Vt. II 6.)

HALLS AND ROOMS FOR, FURNISHING AND REPAIRING OF, *See* PUBLIC CONTRACTS—SPECIAL CONTRACTS.

INVESTIGATIONS BY

Administer Oaths and Affirmations

Each house to have power to, in matter pending before them. (Vt. II 14, 19.)

Resolution, order or vote may empower legislative committee to. (Miss. IV 60.)

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LEGISLATURE (*Cont'd*)

INVESTIGATIONS BY (*Cont'd*)

Attendance of Witnesses

For the power to punish a person assaulting or arresting a witness ordered to attend house, See above, this title, CONTEMPTS.

Each house may enforce obedience to its processes. (Ala. IV 53; Ark. V 12; Colo. V 12; Pa. II 11.)

Each house to have power to compel attendance of witnesses upon investigation held by itself or by any of its committees; manner of exercising such power to be provided by law. (Fla. III 10.)

General Powers in

See also above, this title, CONTEMPTS.

Resolution, order or vote may empower legislative committee to send for persons or papers and generally make legislative investigations effective. (Miss. IV 60.)

Lower house may call for all public or official papers and records and send for persons necessary, in course of inquiry, concerning affairs relating to public interests. (Md. III. 29.)

Each house to have all powers necessary to obtain, through committee or otherwise, information affecting legislative action under consideration or in contemplation, or with reference to any alleged breach of peace or misconduct of member, and to that end to enforce attendance and testimony of witnesses and production of books and papers. (Ohio II 8.)

May punish for contempt, disobedience of process, or contumacious or disorderly conduct. (Extends to investigations by either house, committee thereof duly authorized by house creating it, joint sessions, and joint committees when authorized by joint resolution.) (Okla. V 42.)

Refusal of Witness to Attend

Each house, during session, may punish by fine or imprisonment any person not a member guilty of a refusal to obey its lawful summons; but such imprisonment not to extend beyond final adjournment of session. (Fla. III 9.)

Each house may punish for contempt person refusing to attend as witness or to bring any paper to be used as evidence before legislature, or either house, or committee of either, or to testify concerning matter which may be proper subject of inquiry by legislature; punishment and procedure in such case to be prescribed by law, but imprisonment not to extend beyond session. (Ky. 39.)

IMPEACHMENT, *See* IMPEACHMENT.

JOURNAL

Contents

Amendments to bills and votes thereon, *See* LEGISLATIVE PROCEDURE—AMENDMENT OF BILLS.

Bills and joint resolutions, *See* LEGISLATIVE PROCEDURE—INTRODUCTION OF BILLS.

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LEGISLATURE (*Cont'd*)
JOURNAL (*Cont'd*)
Contents (*Cont'd*)
Objections of governor to bill, *See* LEGISLATIVE PROCEDURE — VETO OF BILLS.
Proposed amendments to constitution, *See* AMENDMENT OR REVISION OF CONSTITUTION.
Vote dispensing with reading of bill, *See* LEGISLATIVE PROCEDURE — READINGS OF BILLS.
Vote on bills, *See* LEGISLATIVE PROCEDURE — PASSAGE OF BILLS.
Vote on elections by legislature, *See above, this title,* ELECTIONS BY.
Vote on vetoed bills, *See* LEGISLATIVE PROCEDURE—PASSAGE OVER VETO.
Yeas and nays on any question, *See below, this title,* VOTING.
English Language
Legislative written proceedings to be promulgated and preserved in. (La. 165; Mich. XVI 6.)
Filing of
To be filed with secretary of state at close of session. (N.M. IV 12.)
Original journal to be preserved after publication in office of secretary of state. (Ga. III Sec. VII 5.)
Original journal to be preserved after publication in office of secretary of state, but "there shall be required no other record thereof". (La. 30.)
Keeping Required
Each house to keep journal of its proceedings. (Ala. IV 55; Ariz. IV 10; Ark. V 12; Cal. IV 10; Colo. V 13; Conn. III 9; Del. II 10; Fla. III 12; Ga. III Sec. VII 4; Ida. III 13; Ill. IV 10; Ind. IV 12; Iowa III 9; Kan. II 10; Ky. 40; La. 30; Me. IV Pt. III 5; Md. III 22; Mich. V 16; Minn. IV 5; Miss. IV 55; Mo. IV 42; Mont. V 12; Nebr. III 8; Nev. IV 14; N.J. IV Sec. IV 4; N.M. IV 12; N.Y. III 11; N.C. II 16; N.D. II 49; Ohio II 9; Okla. V 30; Ore. IV 13; Pa. II 12; R.I. IV 8; S.C. III 22; S.D. III 13; Tex. III 12; Utah VI 14; Va. IV 49; Wash. II 11; W.Va. VI 41; Wis. IV 10; Wyo. III 13.)
Publication Required
General Rule
To be published. (Cal. IV 10; Fla. III 12; Ill. IV 10; Ind. IV 10; Iowa III 9; Kan. II 10; Md. III 22; Mich. V 16; Nebr. III 8; Nev. IV 14; N.Y. III 11; Ohio II 9; Tenn. II 21; Utah VI 14; Wash. II 11; Wis. IV 10.)
To be published daily. (Ky. 40.)
To be published from time to time. (Ark. V 12; Me. IV Pt. III 5; Miss. IV 55; Mo. IV 42; Minn. IV 5; N.J. IV Sec. IV 4; Okla. V 30; Pa. II 12; S.D. III 13; Va. IV 49.)
To be published immediately after adjournment. (Ala. IV 55; Del. II 10; Ga. III Sec. VII 4; La. 30; S.C. III 22.)

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LEGISLATURE (*Cont'd*)

JOURNAL (*Cont'd*)

Publication Required (*Cont'd*)

General Rule (*Cont'd*)

To be printed and made public immediately after adjournment. (N.C. II 16.)

To be printed and published immediately after each adjournment or prorogation. (N.H. II 23.)

To be printed and published under authority of secretary of state at close of session. (N.M. IV 12.)

Each house may, in its discretion, publish from time to time. (Colo. V 13; Mont. V 12; Wyo. III 13.)

To be published when requested by one-fifth of members of house. (Conn. III 9.)

Votes and proceedings to be printed when one-third of members of either house deem necessary, as soon as convenient after session. (Vt. II 9.)

Legislative written proceedings to be promulgated and preserved in English language. (La. 165; Mich. XVI.)

Exceptions

Such parts as require secrecy. (Ala. IV 55; Ark. V 12; Colo. V 13; Del. II 10; Me. IV Pt. III 5; Mich. V 16; Miss. IV 55; Mont. V 12; Nebr. III 8; N. Y. III 11; Pa. II 12; S.C. III 22; S.D. III 13; Wash. II 11; Wis. IV 10; Wyo. III 13.)

Such parts as in judgment of majority of house require secrecy. (Conn. III 9.)

Such parts as welfare of state may require to be kept secret. (Tenn. II 21.)

In case of executive sessions. (Utah VI 14.)

LEGISLATIVE POWER VESTED

See also DISTRIBUTION OF POWERS.

See also INITIATIVE AND REFERENDUM.

In senate and house of representatives. (Ida. III 1; Kan. II 1; Mich. V 1; Minn. IV 1; N.H. II 2; N.C. II 1; Ohio II 1; Okla. V 1; Wash. II 1.)

In senate and house of representatives, each to have negative on other. (Me. IV Pt. I 1; Mass. Pt. II Ch. I Sec. I 1.)

In senate and assembly. (Nev. IV 1; N.Y. III 1; Wis. IV 1.)

In senate and general assembly. (N.J. IV Sec. I 1.)

In senate and house of delegates. (W.Va. VI 1.)

In senate and house of representatives, to be designated the legislature. (Fla. III 1; N.M. IV 1; Utah VI 1; Wyo. III 1.)

In senate and house of representatives, to be designated the legislative assembly. (N.D. II 25 (1914) 52.)

In senate and house of representatives to be styled the general assembly. (Conn. III 1; Ky. 29; S.C. III 1.)

In legislature consisting of senate and house of representatives. (Ala. IV 44; Ariz. IV 1; Nebr. III 1; Miss. IV 33; S.D. III 1; Tex. III 1.)

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LEGISLATURE (*Cont'd*)

LEGISLATIVE POWER VESTED (*Cont'd*)

In legislature consisting of senate and assembly. (Cal. IV 1.)

In general assembly to consist of senate and house of representatives. (Ark. V 1; Colo. V 1; Del. II 1; Ga. III 1; Ill. IV 1; Ind. IV 1; Iowa III 1; La. 21; Mo. IV 1; Pa. II 1; R.I. IV 2; Tenn. II 3; Vt. II 2, 6.)

In general assembly to consist of senate and house of delegates. (Md. III 1; Va. IV 40.)

In legislative assembly consisting of senate and house of representatives. (Mont. V 1; Ore. IV 1.)

Words "legislative assembly shall provide" or similar or equivalent words in constitution or amendment thereto, not to be construed to grant to legislature exclusive power of lawmaking or in any way to limit initiative and referendum powers reserved by people. (Ore. II 18.)

LOBBYING

To enact laws and adopt rules prohibiting, on floor of either house. (Ariz. XXII 19.)

Declared to be crime; legislature to enforce provision by suitable penalties. (Ga. I Sec. II 5.)

Defined and declared to be felony; legislature to provide by law for punishment thereof. Any person compellable to testify in lawful investigation or judicial proceedings against person charged with; testimony not to be withheld on ground that it may incriminate or subject to public infamy but not to be used against him in judicial proceedings, except for perjury in giving it. (Cal. IV 35.)

No state or county official, during term of office, to accept directly or indirectly any fee, office, appointment, employment, reward or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any pending measure, or to give or withhold his influence to secure passage or defeat of such measure. (Ala. IV 101.)

MEMBERS

Appointment of

Prohibited. (Ky. 152.)

Appointment to Office Prohibited, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS — DUAL OFFICE-HOLDING.

Apportionment, *See above, this title,* APPORTIONMENT OF MEMBERS.

Arrest, Privilege from

See also below, this subdivision, CIVIL PROCESS, PRIVILEGE FROM.

General Rule

During session. (Va. IV 48.)

During session and in going to and returning from same. (Del. II 13; Ida. III 7; Ill. IV 14; Iowa III 11; Kan. II 22; La. 28; Me. IV Pt. III 8; Ohio II 12; Okla. V 22; Ore. IV 9; S.D. III 11; Tenn. II 13.)

During session and in going to and returning from same (allowing one day for every 20 miles such member may

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Arrest, Privilege from (*Cont'd*)
General Rule (*Cont'd*)
reside from place at which legislature is convened). (Tex. III 14.)
During attendance at sessions and in going to and returning from same. (Ala. IV 56; Ark. V 15; Colo. V 16; Ga. III Sec. VII 3; Ind. IV 8; Ky. 43; Minn. IV 8; Mont. V 15; N.J. IV Sec. IV 8; N.M. IV 13; N.D. II 42; Pa. II 15; Wyo. III 16.)
During session and for 10 days before and after same. (W.Va. VI 17.)
To be protected in person and estate during attendance, in going to and returning from legislature, and 10 days before and after session. (S.C. III 14.)
During session and for 15 days next before commencement thereof. (Ariz IV Pt. II 6; Wash. II 16.)
During session, for 15 days next preceding each session, and in returning therefrom. (Utah VI 8.)
During session and for 15 days next before commencement and after termination thereof. (Cal. IV 11; Mich. V 8; Miss. IV 48; Mo. XIV 12; Nebr. III 12; Wis. IV 15.)
Exceptions
Treason. (Ala. IV 56; Ark. V 15; Ariz. IV Pt. II 6; Cal. IV 11; Colo. V 16; Del. II 13; Ga. III Sec. VII 3; Ida. III 7; Ill. IV 14; Ind. IV 8; Iowa III 11; Ky. 43; La. 28; Me. IV Pt. III 8; Mich. V 8; Minn. IV 8; Miss. IV 48; Mo. XIV 12; Mont. V 15; Nebr. III 12; N.J. IV Sec. IV 8; N.M. IV 13; N.D. II 42; Ohio II 12; Okla. V 22; Ore. IV 9; Pa. II 15; S.C. III 14; S.D. III 11; Tenn. II 13; Tex. III 14; Utah VI 8; Va. IV 48; Wash. II 16; W.Va. VI 17; Wis. IV 15; Wyo. III 16.)
Felony. (Ala. IV 56; Ark. V 15; Ariz. IV Pt. II 6; Cal. IV 11; Colo. V 16; Del. II 13; Ga. III Sec. VII 3; Ida. III 7; Ill. IV 14; Ind. IV 8; Iowa III 11; Kan. II 22; Ky. 43; La. 28; Me. IV Pt. III 8; Mich. V 8; Minn. IV 8; Miss. IV 48; Mo. XIV 12; Mont. V 15; Nebr. III 12; N.J. IV Sec. IV 8; N.M. IV 13; N.D. II 42; Ohio II 12; Okla. V 22; Ore. IV 9; Pa. II 15; S.C. III 14; S.D. III 11; Tenn. II 13; Tex. III 14; Utah VI 8; Va. IV 48; Wash. II 16; W.Va. VI 17; Wis. IV 15; Wyo. III 16.)
Breach of peace. (Ala. IV 56; Ariz. IV Pt. II 6; Cal. IV 11; Del. II 13; Ga. III Sec. VII 3; Ida. III 7; Ill. IV 14; Ind. IV 8; Iowa III 11; Kan. II 22; Ky. 43; La. 28; Me. IV Pt. III 8; Mich. V 8; Minn. IV 8; Miss. IV 48; Mo. XIV 12; Mont. V 15; Nebr. III 12; N.J. IV Sec. IV 8; N.M. IV 13; Ohio II 12; Okla. V 22; Ore. IV 9; S.C. III 14; S.D. III 11; Tenn. II 13; Tex. III 14; Utah VI 8; Va. IV 48; Wash. II 16; W.Va. VI 17; Wis. IV 15; Wyo. III 16.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Arrest, Privilege from (*Cont'd*)
Exceptions (*Cont'd*)
Breach of surety of peace. (Ky. 43.)
Breach of surety of peace. (Ark. V 15; Colo. V 16; Pa. II 15.)
Violation of oath of office. (Ala. IV 56; Colo. V 16; Mont. V 15; Pa. II 15; Wyo. III 16.)
Larceny. (Ga. III Sec. VII 3.)
Theft. (Miss. IV 48.)
Attendance at Sessions, Compelling, *See below, this title,* QUORUM — POWERS OF SMALLER NUMBER.
Books Not to be Purchased for
No book, or other printed matter, not appertaining to business of session, to be purchased or subscribed for at public expense for use of members, or distributed among them. (Md. III 16.)
Bribery
See also below, this subdivision, CORRUPT SOLICITATION OF.
As disqualification, See also below, this title, QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS.
For the power to protect members from offers of bribery, See below, this subdivision, PROTECTION OF.
In General
Defined; to be punished as provided by law. (Ala. IV 79, 80; Del. II 22.)
Defined; to be felony and punishable as such. (Ark. V 35.)
Defined, to be punished according to law and member guilty thereof to forfeit office. (Tex. XVI 41.)
Bribery and solicitation of bribery defined; to be punished by fine or imprisonment. (N.M. IV 39, 40.)
Legislature to provide by law for punishment of, conviction of, to disfranchise forever and to disqualify from holding office of trust or profit in state. (Md. III 50.)
Defined; conviction of, to disqualify from holding office or position of trust or profit in state, in addition to punishment provided by law. (S.D. III 28.)
Defined; conviction of, to disqualify from holding office or position of honor, trust or profit in state, in addition to punishment provided by law. (Pa. III 29, 30, 32; Wash. II 30; Wyo. III 43, 44.)
Defined and declared to be felony; member convicted of, in addition to punishment as provided by law, to be disfranchised and forever disqualified from holding any office or public trust. (Cal. IV 35.)
Bribery and solicitation of bribery defined; person convicted of either to be expelled, if a member, and to be ineligible thereafter to legislature and liable to such further penalty as prescribed by law. (N.D. II 40.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Bribery (*Cont'd*)
In General (*Cont'd*)

Bribery and solicitation of bribery defined; member guilty of either, to be expelled and thereafter ineligible to legislature and liable to further penalty as prescribed by law. Guilty person not member to be punished as provided by law. (Colo. V 40, 41, XII 6; Mont. V 41, 42.)

Defined; person convicted thereof, by court or by house of which a member or officer, to be disqualified forever from holding any office, state, parochial or municipal, and to be forever ineligible to legislature; provision not to prevent legislature from enacting additional penalty. (La. 183.)

To provide for punishment by imprisonment of person bribing or attempting to bribe member, or member demanding or receiving bribe; person convicted of, to be disqualified forever from holding office of honor, trust or profit in state. (W.Va. VI 45.)

Each house during session may punish any person offering or giving bribe to member, or attempting by corrupt means to advise or influence member to cast or withhold vote; punishment and procedure to be prescribed by law, but imprisonment not to extend beyond session. (Ky. 39.)

Witnesses

Any person compellable to testify in lawful investigation or judicial proceeding against person charged with; testimony not to be withheld on ground that it may incriminate or subject to public infamy, but not to be used against him in judicial proceeding, except for perjury in giving it. (Cal. IV 35; La. 184; N.M. IV 41; Pa. III 32; S.D. III 28; Wash. II 30; Wyo. III 44.)

Any person may be compelled by law to testify, but to be exempt from trial and punishment for offenses of which guilty and concerning which compelled to testify. (W.Va. VI 45.)

To provide by law for compelling any person to testify in bribery proceedings, but such person to be exempt from trial and punishment for the offense of which guilty. (Md. III 50.)

Civil Process, Privilege from

See also above, this subdivision, ARREST, PRIVILEGE FROM.

Not to be arrested or held for bail on mesne process during, going to or returning from attendance upon sessions. (N.H. II 20.)

Not to be arrested or held on mesne process during session or in going to or returning from same. (Mass. Pt. II Ch. I Sec. III 10, 11.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Civil Process, Privilege from (*Cont'd*)
Person to be exempt from arrest or from attachment in any civil action during session and two days before commencement and after termination thereof; process served contrary hereto to be void. (R.I. IV 5.)
Privileged from arrest on, during session and for four days before commencement and after termination thereof. (Conn. III 10.)
Not liable to, during session nor during 10 days next before commencement thereof. (Ida. III 7.)
Not subject to, during session nor for 15 days next before commencement thereof. (Ariz. IV Pt. II 6; Ind. IV 8; Ore. IV 9; Wash. II 16.)
Not subject to service of, during session or for 15 days previous to its commencement. (Kan. II 22.)
Privileged from arrest on, during session and for 15 days next before commencement. (Nev. IV 11.)
Not subject to, during session and for 15 days next before commencement and after termination thereof. (Cal. IV 11; Mich. V 8; Wis. IV 15.)
Not subject to arrest under, during sessions nor for 15 days next before commencement or after termination thereof. (Va. IV 48.)
To be protected in person and estate during attendance in going to and returning from legislature and 10 days before and after session. (S.C. III 14.)
Classification of Senators
Senate to be so classified that one-half of number, as nearly as practicable, elected every two years. (Colo. V 5; Iowa III 6; Mont. V 4; Nev. XVII 9, 10; N.D. II 30; S.C. III 8; Va. Sched. 10.)
First senators divided in two classes with respect to term of office so that thereafter one-half of senate, as nearly as practicable, elected biennially. (Ark. V 3; Cal. IV 5; Del. Sched. 3; Fla. VII 2; Ill. IV 6; Ky. 31; Md. III 8; Okla. V 9; Pa. Sched. 3, 4; Wash. II 6; W.Va. VI 3; Wis. IV 5; Wyo. III 2.)
First senators divided into two classes with respect to term of office, so that thereafter one-half of senate, as nearly as possible, chosen biennially. If number increased, new senators to be annexed by lot to one of classes as equally as possible. (Ind. IV 3; Ore. IV 4; Utah VI 4.)
Classified with respect to term of office so that one-half of senate elected biennially, but entire senate to be elected after each new apportionment. (Minn. II 24.)
New senate to be chosen after every apportionment and senators then elected divided by lot into two classes, one class with term of two years and other with term of four years, so that thereafter half of senate chosen biennially. (Tex. III 3.)

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LEGISLATURE (*Cont'd*)

MEMBERS (*Cont'd*)

Classification of Senators (*Cont'd*)

After first election senators divided into three classes with terms of one, two and three years respectively, so that thereafter one class elected annually. (N.J. IV Sec. II 2.)

Compensation

President of Senate. See below, this title, PRESIDENT OF SENATE; *See* LIEUTENANT-GOVERNOR.

Speaker of House, See below, this title, SPEAKER OF HOUSE.

In General

As provided by law. (Ind. IV 29; Iowa III 25; Minn. IV 7; Miss. IV 46; Nev. IV 33.)

As provided by law, but no legislature to fix its own compensation. (Mont. V 5; Wyo. III 6.)

Fixed compensation to be prescribed by law and no other allowance or perquisites either in payment of postage or otherwise. (Ohio II 31.)

To receive such salary and mileage for regular and special sessions as fixed by law and no other compensation whatever, whether for service upon committee or otherwise. (Pa. II 8.)

To receive no pay or perquisites other than salary and mileage. (Nebr. III 4.)

To receive no other pay or perquisites except per diem and mileage. (S.D. III 6.)

To receive no compensation, perquisite or allowance, whatever, except as provided in constitution. (Ark. V 16 (1914); Colo. V 6 (1914).)

Salary

In case of failure to organize, *See above, this title,* SESSIONS — FAILURE TO ORGANIZE.

As prescribed by law. (Ill. IV 21; Me. IV Pt. III 7; Va. IV 45.)

Per diem fixed by law, but not to receive any compensation for more than 40 days of any one session. (S.C. III 19, 9.)

To be fixed by law, but not to be allowed for period exceeding 60 days at regular session or for period exceeding 30 days at extra session. (Va. IV 45, 46.)

Three dollars a day from commencement of session but not to exceed in aggregate $120 for any one session. (Ore. IV 29.)

Three dollars for each day's actual service but not to exceed in aggregate $150 for regular session. (Kan. II 3.)

Four dollars per diem. (Ala. IV 49; W.Va. VI 33.)

Not to exceed $4 a day. (Ga. III 9.)

So much per diem as legislature may provide, not exceeding $4. (Utah VI 9.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Compensation (*Cont'd*)
Salary (*Cont'd*)
Four dollars a day for each day of session, for a period not exceeding 60 days; if longer in session to receive no compensation. (N.C. II 28.)
Four dollars per day, but not to be paid for more than 75 days of regular session or 20 days of extra session, or for any day when absent unless physically unable to attend. (Tenn. II 23.)
Five dollars a day. (N.D. II 45.)
Five dollars for each day's attendance during session. (Ky. 42; La. 29; N.M. IV 10; S.D. III 6; Wash. II 23.)
Five dollars a day for every day attended, but not for days absent, unless absent on account of sickness or by leave of house. (Md. III 15.)
Not exceeding $5 a day from commencement of session but not to exceed in aggregate $300 for any one session. (Ida. III 23.)
Five dollars for every day of actual attendance for not exceeding 60 days' attendance in any calendar year. (R.I. Amend. XI 1.)
Five dollars a day for each day of session not exceeding 60 days; no compensation for longer session. (Del. II 15.)
As may from time to time be provided by law not exceeding $5 a day for the first 60 days of each session and after that not exceeding $2 a day for remainder of session. (Tex. III 24.)
As provided by law but not to exceed $5 per diem for first 70 days of each session and after that not to exceed $1 per diem for remainder of session, except during revising session, when they may receive $5 per diem for 120 days and $1 a day for remainder of session. (Mo. IV 16.)
Not to exceed $6 a day for each day of session. (Fla. III 4.)
Six dollars per diem during first 60 days of regular session; if session extended, to serve thereafter without further per diem. (Ark. V 16, 1914.)
Six dollars per diem for first 60 days of session; thereafter, $2 per diem during session. (Okla. V 21.)
Seven dollars per diem, until otherwise provided by law; but salary to be paid for period not to exceed 60 days in any one session. (Ariz. IV Pt. II 22.)
Two hundred dollars for each member seasonably attending and not departing without license. (N.H. II 14.)
Not to exceed $300 for term for which elected. (Conn. Amend. XXVII 3.)
Five hundred dollars for and during regular session. (Wis. IV 21.)

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LEGISLATURE (*Cont'd*)

MEMBERS (*Cont'd*)

Compensation (*Cont'd*)

Salary (*Cont'd*)

Five hundred dollars annually during time for which elected and while office is held; no other allowance or emolument for any purpose. (N.J. IV Sec. IV 7.)

Six hundred dollars for each regular session during their term. (Nebr. III 4.)

Eight hundred dollars for regular session. (Mich. V 9.)

One thousand dollars for each regular session to be paid at such times during session as prescribed by law. (Cal. IV 23.)

Until otherwise provided by law, $1,000 for each biennial period, payable at rate of $7 per day during both regular and special session, and remainder, if any, payable on first day of last month of biennial period. No legislature to fix its own compensation. (Colo. V 6 (1914).)

To receive an annual salary of $1,500. (N.Y. III 6.)

Expenses

Until otherwise provided by law, all actual and necessary traveling expenses to be paid after incurred and audited. No legislature to fix its own compensation. (Colo. V 6 (1914).)

Cost for stationery and other supplies not to exceed $25 for regular session or $10 for special session. (Del. II 15.)

Appropriation may be made for annual expenses incurred for express charges, newspapers and stationery not exceeding $60 for any general or special session. (Nev. IV 33.)

Fifty dollars per session, to be in full for postage, stationery, newspaper and all other incidental expenses and purposes; mileage as prescribed by law. (Ill. IV 21.)

Expenses of members of lower house in traveling to legislature and returning therefrom once in each session and no more to be paid to each member who seasonably attends in judgment of house and does not depart without leave. (Me. IV Pt. III 7.)

To receive traveling expenses and mileage "not greater than now provided by law"; may receive at regular session $30 for all stationery, postage and other incidentals and perquisites. (Mo. IV 16.)

Five cents per mile in going to and returning from seat of government. (La. 29.)

Five cents per mile for ordinary route of travel in going to and returning from place of session. (S.C. III 19.)

Eight cents per mile in going to and returning from sessions. (R.I. Amend XI 1.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Compensation (*Cont'd*)
Expenses (*Cont'd*)
Ten cents for each mile of necessary travel in going to and returning from sessions on most usual route. (Ala. IV 49; Ga. III Sec. IX 1; Nebr. III 4; N.M. IV 10; N.C. II 28; N.D. II 45; Okla. V 21; S.D. III 6; Wash. II 23.)
Ten cents per mile for each mile traveled in going to and returning from seat of government over most direct and practicable route. (Ark. V 16 (1914).)
Ten cents a mile each way by usual traveled route; if pass used, number of miles traveled on pass to be deducted. (Ida. III 23.)
One dollar for each 10 miles traveled in going to and returning from place of meeting, once each session, by most usual route. (N.Y. III 6.)
Mileage to and from the seat of government by nearest and most practicable route, not to exceed 10 cents a mile, each way. (Fla. III 4.)
As fixed by law, but not to exceed 10 cents a mile; each member to be allowed contingent expenses not exceeding $25 for each regular session. (Cal. IV 23.)
Such mileage as legislature may provide, not exceeding 10 cents per mile for distance necessarily traveled going to and returning from place of meeting on most usual route; to receive no other pay or perquisite. (Utah VI 9.)
Ten cents a mile for one round trip to session by usual traveled route; to be entitled to one copy of laws, journal and documents of legislature of which a member, but not to receive at expense of state, books, newspapers or perquisites not especially authorized by constitution. (Mich. V 9.)
Ten cents for each mile traveled in coming to and returning from seat of government by most direct route; no other allowance or emolument to be paid directly or indirectly for postage, stationery, newspaper or any other purpose. (W. Va. VI 33.)
Ten cents for every mile traveled in going to and returning from place of meeting on most usual route; no stationery, newspapers, postage or other purposes, except salary and mileage as provided, to be received from state or in any other manner as such member. (Wis. IV 21.)
Fifteen cents for each mile necessarily traveled in going to and returning from seat of government. (Kan. II 3; Ky. 42.)
Three dollars for each 20 miles traveled in going to and returning from place of meeting on most usual route. (Ore. IV 29.)

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LEGISLATURE (*Cont'd*)

MEMBERS (*Cont'd*)

Compensation (*Cont'd*)

Expenses (*Cont'd*)

To receive such mileage as allowed by law, not exceeding 20 cents per mile. (Md. III 15.)

To receive mileage one way by shortest practicable route at rate of 20 cents per mile. (Ariz. IV Pt. II 22.)

Four dollars for every 25 miles traveling to and from seat of government. (Tenn. II 23.)

To receive one mileage each way at rate of 25 cents per mile. (Conn. Amend. XXVII 3.)

Mileage not to exceed $5 for each 25 miles, distance to be determined by table prepared by comptroller of state. (Tex. III 24.)

Special Sessions

To be same as at regular sessions. (Md. III 15.)

To receive only usual per diem and mileage. (Utah VI 16.)

To receive same compensation as fixed by law for regular session. (S.C. III 19.)

To receive same mileage and per diem compensation as fixed by law for regular session and no other. (Iowa III 25.)

To receive same compensation as for regular session for period not exceeding 20 days. (N.C. II 28.)

Three dollars a day. (Ore. IV 29.)

Three dollars for each day's actual service, but not to exceed in aggregate $90. (Kan. II 3.)

Additional compensation of $3 a day for period not exceeding 15 days and usual mileage. (N.H. II 14.)

Three dollars per diem for first 15 days, no compensation for longer period. To receive same mileage as provided for regular sessions. (Ark. V 16 (1914).)

Salary of $5 a day and mileage as allowed for regular session. (Ida. III 23.)

Not more than 10 cents mileage and per diem of not exceeding $5. (Miss. IV 36.)

Salary of $5 a day for first 20 days and nothing thereafter; to receive mileage as in case of regular session. (Mich. V 9.)

Five dollars a day during session for period not exceeding 30 days; cost for stationery and other supplies not to exceed $10. (Del. II 15.)

Ten dollars per diem for period not exceeding 30 days. (Cal. IV 23.)

When senate alone convened in extraordinary session senators to receive additional allowance of $10 a day. (N.Y. III 6.)

To receive mileage at same rate as in case of regular session. (Conn. Amend. XXVII 3.)

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LATURE (*Cont'd*)
EMBERS (*Cont'd*)
Compensation (*Cont'd*)
Special Sessions (*Cont'd*)
No additional compensation to be allowed, directly or indirectly, except for mileage. (Wis. IV 21.)
To receive traveling expenses and mileage "not greater than now provided by law"; not to be entitled to such expenses for extra sessions called within one day after adjournment of regular session. (Mo. IV 16.)
Mileage as in case of regular session, but no member to be entitled to mileage for extra sessions called within one day of adjournment of regular or called session. (Tex. III 24.)
Appropriation may be made for annual expenses incurred for express charges, newspapers and stationery not exceeding $60. (Nev. IV 33.)
During Recess
Not to receive pay for any recess for longer time than three days. (Cal. IV 14.)
When Sitting as Court of Impeachment
Senators to receive $4 per day of actual attendance. (Tenn. II 23.)
To receive only usual per diem and mileage when regular session, trying cases of impeachment, exceeds 60 days. (Utah VI 16.)
Increase or Decrease
May be increased or decreased, but no alteration to take effect during session at which made. (Ky. 42; Miss. IV 46.)
Legislature to provide for no increase of salaries to take effect before session of next legislature. (Ark. XIX 11.)
Increase not to take effect at session at which increase was made. (Ind. IV 29.)
No legislature to have power to increase compensation of its members. (Iowa III 25.)
No legislature to have power to increase per diem of own members. (S.C. III 19.)
Not to be changed during term for which elected. (Ill. IV 21.)
Increase not to take effect during term for which member elected. (Nev. IV 33.)
No change in compensation of members to take effect during their term of office. (Ohio II 31.)
No law increasing salary to take effect until after end of term for which members voting thereon were elected. (Va. IV 45.)
Not to receive, during term for which elected, any increase of salary or mileage under law passed during such term. (Ark. V 9; Colo. V 9; Mont. V 8; Pa. II 8; Wyo. III 9.)

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LEGISLATURE (*Cont'd*)

MEMBERS (*Cont'd*)

Compensation (*Cont'd*)

Increase or Decrease (*Cont'd*)

Increase not to take effect during existence of legislature which enacted increase. (Me. IV Pt. III 7.)

No increase to take effect during period for which member of existing lower house may have been elected. (Minn. IV 7.)

Not to be changed during term for which elected, but legislature to regulate, by general law, in what cases and what deduction to be made for neglect of official duties. (Ky. 235.)

Certification and Publication of

Pay and mileage allowed to each member to be certified by speaker of respective house, entered on journal, and published at close of session. (Ill. IV 21.)

How Paid

May be paid out of treasury pursuant to resolution in that behalf. (Del. VIII 6.)

Corrupt Solicitation of

See also above, this subdivision, BRIBERY.

As disqualification, See below, this title, QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS.

For the power to protect members from corrupt solicitation, See below, this subdivision, PROTECTION OF.

In General

To be defined by law and to be punishable by fine and imprisonment. (Ala. IV 81; Colo. V 42; Mont. V 43.)

To be defined by law and punished by fine and imprisonment; conviction of, to disqualify from holding office or position of trust or profit in state. (S.D. III 28.)

To be defined by law and punished by fine and imprisonment; conviction of, to disqualify from holding office or position of honor, trust or profit in state. (Pa. III 31, 32; Wash. II 30; Wyo. III 44, 45.)

Witnesses

Any person compellable to testify in lawful investigation or judicial proceeding against person charged with; testimony not to be withheld on ground that it may incriminate or subject to public infamy, but not to be used against him in judicial proceeding, except for perjury in giving it. (Cal. IV 35; Pa. III 32; S.D. III 28; Wash. II 30; Wyo. III 44.)

Disqualified from Acting as Counsel

Not to receive, directly or indirectly, a fee, or be engaged as counsel, agent or attorney in prosecution of claim against state. (Ore. XV 7.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Disqualified from Acting as Counsel (*Cont'd*)
Not to receive fee or award to introduce or advocate any bill, petition or other business to be transacted in legislature or advocate any clause as counsel in either house, except when employed on behalf of state. (Vt. II 12.)
Not to take any fee or reward or be counsel in measure pending before either house under penalty of suspension from seat upon proof thereof to satisfaction of house of which a member. (Miss. IV 47.)
Not to take fees or be of counsel in any cause before either branch of the legislature; upon due proof thereof seat to be vacated. (N.H. II 7.)
Not to take fee or be of counsel in case pending before either house under penalty of forfeiting seat upon proof thereof to satisfaction of house of which a member. (R.I. IV 4.)
District Represented, *See above, this title,* APPORTIONMENT OF MEMBERS.
Election, *See above, this title,* ELECTION OF MEMBERS.
Expulsion of
As disqualification, See below, this title, QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS.
Rule
Each house may expel by vote of two-thirds of house. (Ga. III Sec. VII 1.)
Each house may expel with concurrence of two-thirds. (Ariz. IV Pt. II 11; Mont. V 11; N.J. IV Sec. IV 3; N.D. II 48; Okla. V 30; Va. IV 47; Wyo. III 12.)
Each house with concurrence of two-thirds of all members present, may expel. (Fla. III 6.)
Each house may expel for good cause shown, with concurrence of two-thirds of all members. (Ida. III 11.)
Each house may expel with concurrence of two-thirds of all its members elected. (Cal. IV 9; Del. II 9; La. 25; Mich. V 15; Nev. IV 6.)
Each house, with concurrence of two-thirds of all the members elected, may expel for cause. (Utah VI 10.)
Each house may expel, but not for causes known to constituents antecedent to election. (Vt. II 14, 19.)
Each house may, with concurrence of two-thirds, expel, but not a second time for same cause. (Ala. IV 53; Ark. V 12; Colo. V 12; Conn. III 8; Ind. IV 14; Iowa III 9; Ky. 39; Me. IV Pt. III 4; Minn. IV 4; N.M. IV 11; Ohio II 8; Ore. IV 15; Pa. II 11; R.I. IV 7; S.C. III 12; Tenn. II 12; Tex. III 11.)
Each house, with concurrence of two-thirds of members elected thereto, may expel, but not twice for same offense. (Ill. IV 9; Md. III 19; Mo. IV 17; Nebr. III 7; Wash. II 9; W.Va. VI 25; Wis. IV 8.)

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LEGISLATURE (*Cont'd*)

MEMBERS (*Cont'd*)

Expulsion of (*Cont'd*)

Rule (*Cont'd*)

Each house may expel with concurrence of two-thirds of all members elected; reasons for expulsion to be entered upon journal with names of members voting; no member to be expelled a second time for same cause. (Mich. IV 15.)

Each house may expel with concurrence of two-thirds of members present, but no member, unless expelled for theft, bribery or corruption, to be expelled a second time for same offense. (Miss. IV 55.)

Effect

Not a bar to criminal prosecution. (N.M. IV 11.)

Proceedings to expel for criminal offense, whether successful or not, not to bar indictment and punishment under criminal law for same offense. (Ark. V 36.)

Freedom of Speech

For the power to punish a person for threatening or assaulting a member for any speech in either house, See above, this title, CONTEMPTS.

Not to be questioned in any other place for any speech or debate in either house. (Ala. IV 56; Ark. V 15; Colo. V 16; Conn. III 10; Del. II 13; Ill. IV 14; Ind. IV 8; Kan. II 22; Ky. 43; La. 28; Mich. V 8; Minn. IV 8; Mo. XIV 12; Mont. V 15; N.J. IV Sec. IV 8; N.M. IV 13; N.Y. III 12; N.D. II 42; Ohio II 12; Okla. V 22; Pa. II 15; R.I. IV 5; S.D. III 11; Tenn. II 13; Utah VI 8; Va. IV 48; Wyo. III 16.)

Not to be questioned in any other place for words spoken in debate in either house. (Ida. III 7; Ore. IV 9; Tex. III 21.)

Not to be liable to answer for anything spoken in debate in either house in any court or place elsewhere. (Ga. III Sec. VII 3; Me. IV Pt. III 8.)

Not to be liable in any civil or criminal action whatever for words spoken in debate. (Ariz. IV Pt. II 7; Md. III 18; Nebr. III 23; Wash. II 17; Wis. IV 16.)

"For words spoken in debate, or any report, motion or proposition made in either house", not to be questioned in any other place. (W. Va. VI 17.)

Freedom of speech and debate, or proceedings in legislature, ought not to be impeached in any court of judicature. (Md. D.R. 10.)

Deliberation, speech and debate cannot be foundation of any action, complaint or prosecution in any other court or place whatever. (N.H. I 30.)

Deliberation, speech or debate in house cannot be foundation of any accusation or prosecution, action or complaint, in any other court or place whatever. (Mass. Pt. I 21; Vt. I 14.)

Ineligible to Office, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS — DUAL OFFICE-HOLDING.

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Interest in Bill, Personal or Private
To disclose fact to house of which a member and not to vote thereon. (Ala. IV 82; Colo. V 43; Del. II 20; La. 52; Mont. V 44; Okla. V 24; Pa. III 33; Tex. III 22; Wash. II 30; Wyo. III 46.)
To disclose fact to house and not to vote thereon under pain of expulsion. (Ky. 57.)
To disclose fact to house and not to vote thereon without consent of house. (N.D. II 43.)
Interest in Contracts
Public contracts generally and state contracts, *See* PUBLIC CONTRACTS.
Contracts of counties, cities, etc., *See the specific title.*
As disqualification, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS.
Neglect of Duty
Legislature to provide by general law in what cases and what deductions in salary to be made for neglect of official duties. (Ky. 235.)
Number
For apportionment of members, See above, this title, APPORTIONMENT OF MEMBERS.
In Aggregate
Aggregate number of both houses not to exceed 75. (Nev. XV 6.)
Lower House
Thirty-four, but may be increased by legislature to number not exceeding 60. (Ore. IV 2.)
Thirty-five. (Del. II 2.)
Thirty-five until otherwise provided by law. (Ariz. IV Pt. II 1.)
Forty-five; may be increased by legislature, but not to be less than twice nor greater than three times number of senators. (Utah IX 3.)
Forty-nine. (N.M. IV 3.)
Forty-nine, which may be increased by legislature, but aggregate number of senators and representatives not to exceed 100. (Colo. V 46.)
Fifty-five, until otherwise provided by law. (Mont. V 4.)
Sixty-five, subject to be increased by subsequent apportionments. (W.Va. VI 2.)
One hundred and nine, until otherwise provided by law. (Okla. V 10.)
One hundred and twenty. (N.C. II 5.)
One hundred and twenty-four. (S.C. III 3.)
One hundred and thirty-three; may be decreased to not less than 100. (Miss. XIII 254, 256.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Number (*Cont'd*)
Lower House (*Cont'd*)

One hundred and forty-three, until apportionment made. (Mo. IV 8.)

One hundred and fifty-one. (Me. IV Pt. I 2.)

Two hundred. (Pa. II 17.)

Two hundred and forty. (Mass. Amend. XXI.)

Not to exceed 60. (N.J. IV Sec. III 1.)

Not to exceed 68; but new county entitled to one member in excess of that limit until next apportionment. (Fla. VII 2, 4.)

Not to exceed 75 until population of state 1,500,000, and never to exceed 99. (Tenn. II 5.)

Not to exceed 100. (Ind. IV 2; R.I. Amend. XIII 1.)

To be regulated by law, but not to exceed 100. (Nebr. III 3.)

Not to exceed 105, provided that in addition to such number each new county to be entitled to one member; number to be fixed by legislature at first session after each decennial United States census. (Ala. IV 50.)

Not to exceed 108. (Iowa III 35.)

Not to exceed 120, but new parish to be entitled to one representative in addition to the maximum until next apportionment, at which time maximum to be restored. (La. 18.)

To be regulated by law but not to exceed 125. (Kan. II 2.)

May be increased by any legislature at any apportionment, but not to exceed 150. (Tex. III 2.)

Not to exceed 189. (Ga. III Sec. III 1 (1914).)

Not less than 54 nor more than 100. (Wis. IV 2.)

To be fixed by legislature after each decennial census by state and also after federal census, but not less than 60 nor more than 140. (N.D. II 32, 35.)

Not less than 63 nor more than 99. (Wash. II 2.)

Not less than 64 nor more than 100. (Mich. V 3.)

Not less than 73 nor more than 100. (Ark. VIII 1.)

Not less than 75 nor more than 135. (S.D. III 2.)

Not less than 90 nor more than 100. (Va. IV 42.)

Every inhabited town to elect one representative. (Vt. II 13.)

To be prescribed by law, but not to exceed one member for each 2,000 inhabitants. (Minn. IV 2.)

To be not less than twice nor more than three times the number of the senate; first house 33 members. (Wyo. III 3.)

Three times number of members of senate. (Ill. IV 7, 8.)

Not to exceed three times number of senators. (Ida. III 2.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Number (*Cont'd*)
Senate
One member for each county. (Ida. III 2; N.J. IV Sec. II 1; S.C. III 6.)
One senator from each town and city of state. (R.I. VI 1.)
First senate 16 members. (Wyo. III 8.)
Sixteen, until otherwise provided by law. (Mont. V 4.)
Sixteen, but may be increased by legislature to number not exceeding 30. (Ore. IV 2.)
Seventeen. (Del. II 2.)
Eighteen; may be increased by legislature, but not to exceed 30. (Utah IX 3.)
Nineteen, until otherwise provided by law. (Ariz. IV Pt. II 1.)
Twenty-four. (N.H. II 24; N.M. IV 3.)
Twenty-four, subject to be increased by subsequent apportionments as prescribed. (W.Va. VI 2.)
Twenty-six, which may be increased by legislature, but aggregate number of senators and representatives not to exceed 100. (Colo. V 46.)
Thirty. (Vt. II 18.)
Thirty-one. (Tex. III 2.)
Thirty-two. (Mich. V 2.)
Thirty-four. (Mo. IV 5.)
Forty. (Cal. IV 5; Mass. Amend. XXXII.)
Forty-four. (Ga. III Sec. II 1.)
Forty-five; may be decreased to not less than 30; new county, in spite of maximum limitation, to have one representative until next apportionment. (Miss. XIII 255, 256.)
Fifty. (N.C. II 3; Pa. II 16.)
Fifty, subject to be increased if at time of any apportionment county having three or more senators is entitled to additional ones. (N.Y. III 2, 4.)
Fifty. Number may be increased by legislature, but to be not less than one-third nor more than one-half of lower house. (Iowa III 34, 6.)
Not to exceed 32. (Fla. VII 2.)
To be regulated by law, but not to exceed 33. (Nebr. III 3.)
Not to exceed 35; to be not less than one-fourth, or more than one-third of number of members of lower house. (Ala. IV 50, IX 197.)
To be regulated by law but not to exceed 40. (Kan. II 2.)
Not to exceed 44; except that if at time of apportionment any county is entitled to three or more, such number to be given in addition to the 44. (Okla. V 9, 9a.)
Not to exceed 50. (Ind. IV 2.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Number (*Cont'd*)
Senate (*Cont'd*)
Not to exceed one-third the number of representatives. (Tenn. II 6.)
As prescribed by law but not to exceed one member for every 5,000 inhabitants. (Minn. IV 2.)
Not less than 20 nor more than 31. (Me. II Pt. II 1.)
Not less than 24 nor more than 36. (Conn. Amend. XXXI 1.)
Not less than 25 nor more than 45. (S.D. III 2.)
To be fixed by legislature after each decennial enumeration by state and also after each federal census, but to be not less than 30 nor more than 50. (N.D. II 26, 29.)
Not less than 33 nor more than 40. (Va. IV 41.)
Not less than 36 nor more than 41. (La. 19.)
Not less than one-fourth nor more than one-third of number of members of lower house. (Wis. IV 2.)
Not less than one-third nor more than one-half number of lower house. (Nev. IV 5; Wash. II 2.)

Oath of Office
Administration of
To be taken in hall of house to which elected. (Colo. XII 7.)
By members-elect of either house. (N.J. IV Sec. VIII 1.)
Members of legislature empowered to administer oath to each other. (Iowa III 32.)
To be taken before governor and council. (Me. IX 1; Mass. Pt. II Ch. VI 1; N.H. II 84.)
By governor, secretary of state or judge of supreme court. (Ore. IV 31.)
May be administered by governor, secretary of state, judge of supreme court or presiding officer of either house. (Ida. III 25.)
By secretary of state or in his absence by attorney-general. (R.I. IX 5.)
By judge of supreme or circuit court or presiding officer of either house, in hall of house to which elected. (S.D. III 8.)
By judge of supreme or circuit court, or if organized, by presiding officer of either house, in hall of house to which elected. (Mo. IV 15.)
By judge of supreme or circuit court, in hall of house to which elected. (Ill. IV 5.)
By judge of supreme court or of common pleas, in hall of house to which member elected. (Pa. VII 1.)
By judge of supreme court or justice of peace in hall of house to which elected. (Wyo. VI, Elections 9.)

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GISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Oath of Office (*Cont'd*)
Administration of (*Cont'd*)
By judge of supreme court, or, in his absence, by person authorized to administer, in hall of house to which elected. (Okla. XV 2.)
By judge of supreme court of appeals, or of a circuit court or by person authorized to administer an oath, in hall of house to which elected. (W.Va. VI 16.)
Affirmation Allowed. (Ala. XVI 279; Ark. XIX 20; Cal. XX 3; Colo. XII 7; Conn. X 1; Del. XIV; Fla. XVI 2; Ill. IV 5; Ida. III 25; Iowa III 32; La. 161; Me. IX 1; Mass. Amend. VI; Md. I 6; Mich. XVI 2; Minn. IV 29; Miss. IV 40; Mo. IV 15; Mont. XIX 1; Nebr. XIV 1; Nev. XV 2; N.H. II 83; N.J. IV Sec. VIII 1; N.Y. XIII 1; N.C. II 24; N.D. XVII 211; Okla. XV 1; Ore. IV 31; Pa. VII 1; R.I. IX 4; S. C. III 26; S.D. III 8; Tenn. X 2; Tex. XVI 1; Vt. II 16; W.Va. VI 16; Wis. IV 28; Wyo. VI Elections 8.)
Contents
Support constitution of United States. (Ala. XVI 279; Ark. XIX 20; Cal. XX 3; Colo. XII 7; Conn. X 1; Del. XIV; Ga. III Sec. IV 5; Ida. III 25; Ill. IV 5; Iowa III 32; Ky. 228; Me. IX 1; Md. I 6; Mich. XVI 2; Minn. IV 29; Miss. IV 40; Mo. IV 15; Mont. XIX 1; Nebr. XIV 1; N.J. IV Sec. VIII 1; N.Y. XIII 1; N.D. XVII 211; Okla. XV 1; Ore. IV 31; Pa. VII 1; R.I. IX 4; S.C. III 26; S.D. III 8; Tenn. X 2; W.Va. VI 16; Wis. IV 28; Wyo. VI Elections 8.)
Support constitution and laws of United States. (La. 161; N.C. II 24.)
Support constitution and government of United States. (Fla. XVI 2.)
Support constitution and government of United States and bear allegiance to same. (Nev. XV 2.)
Support constitution of state. (Ark. XIX 20; Cal. XX 3; Colo. XII 7; Del. XIV; Ga. III Sec. IV 5; Ida. III 25; Ill. IV 5; Iowa III 32; Ky. 228; Me. IX 1; Mass. Amend. VIII; Mich. XVI 2; Minn. IV 29; Miss. IV 40; Mo. IV 15; Mont. XIX 1; Nebr. XIV 1; N.H. II 83; N.J. IV Sec. VIII 1; N.Y. XIII 1; N.C. II 24; N.D. XVII 211; Okla. XV 31; Ore. IV 31; Pa. VII 1; R.I. IX 4; S.C. III 26; S.D. III 8; Tenn. X 2; W.Va. VI 16; Wis. IV 28; Wyo. VI Elections 8.)
Support constitution of state so long as citizen thereof. (Ala. XVI 279; Conn. X 1; Me. IX 1.)
Support constitution and laws of state. (La. 161; Md. I 6.)
Support constitution and government of state. (Fla. XVI 2; Nev. XV 2; Vt. II 52.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Oath of Office (*Cont'd*)
Contents (*Cont'd*)

Be faithful and true to state as long as citizen thereof. (Ky. 228.)

Bear allegiance to state. (Md. I 6; Mass. Amend. VI; Nev. XV 2; N.H. II 83.)

Discharge duties faithfully. (Ala. XVI 279; Ark. XIX 20; Cal. XX 3; Colo. XII 7; Conn. X 1; Del. XIV; Fla. XVI 2; Ida. III 25; Ill. IV 5; Iowa III 32; Ky. 228; La. 161; Me. IX 1; Md. I 6; Mich. XVI 2; Minn. IV 29; Miss. IV 40; Mo. IV 15; Mont. XIX 1; Nebr. XIV 1; Nev. XV 2; N.H. II 83; N.J. IV Sec. VIII 2; N.Y. XIII 1; N.C. II 24; N.D. XVII 211; Okla. XV 1; Ore. IV 31; Pa. VII 1; S.C. III 26; S.D. III 8; Tex. XVI 1; W.Va. VI 16; Wis. IV 28; Wyo. VI, Elections 8.)

Perform duties to best interests of state. (Ga. III Sec. IV 5.)

Duly qualified to hold office under state constitution. (Fla. XVI 2; Miss. IV 40; S.C. III 26.)

Do not hold office of profit or trust under authority of congress. (Vt. II 17.)

Have not given bribe to secure election. (Ill. IV 5; Mont. XIX 1; Nebr. XIV 1; Okla. XV 1; Pa. VII 1; S.D. III 8; Tex. XVI 1; Wyo. VI, Elections 8.)

Will not accept bribe for vote or influence in official acts. (Ill. IV 5; Mo. IV 15; Mont. XIX 1; Nebr. XIV 1; Okla. XV 1; Pa. VII 1; S.D. III 8; W.Va. VI 16; Wyo. VI, Elections 8.)

Have not knowingly violated election laws of state. (Mont. XIX 1; Okla. XV 1; Pa. VII 1; Wyo. VI, Elections 8.)

Have not been engaged or concerned in duel. (Ky. 228; Tex. XVI 1.)

Have not been, and will not be, engaged or concerned in duel. (Nev. XV 2; S.C. III 26.)

Will not propose or assent to action injurious to people. (Tenn. X 2; Vt. II 17.)

Will not receive profits of any other office during term. (Md. I 6.)

Will read constitution and execute requirements imposed on legislature. (Miss. IV 40.)

Will not accept free pass during term of office. (Okla. XV 1.)

Will vote impartially in all appointments. (Tenn. X 2.)

Will not vote because of promise of another to vote, or to influence another to vote. (Miss. IV 40.)

False Swearing

If convicted of, guilty of perjury and disqualified from holding any office of trust or profit within the state. (Mo. IV 15; Okla. XV 2; Wyo. VI, Elections 9.)

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ISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Oath of Office (*Cont'd*)
False Swearing (*Cont'd*)
Conviction of having sworn falsely to and violated oath, to forfeit office and disqualify thereafter from being member of legislature or holding any office within gift of legislature. (S.D. III 8.)
Conviction of having sworn falsely to, or of violating oath, to forfeit office and disqualify from holding office of profit or trust in state. (Ill. IV 5; Nebr. XIV 1.)
If convicted of having violated oath relating to acceptance of money or property for vote or influence, to forfeit seat and to be disqualified thereafter from holding any office of profit or trust in the state. (W.Va. VI 16.)
Filing of
To be filed in office of secretary of state. (Mo. IV 15.)
Secretary of state to record and file. (Ill. IV 5; S.D. III 8; W.Va. VI 16.)
No Other Required Than as Prescribed
No other than oath prescribed in constitution to be required to qualify. (Mass. Amend. VII.)
Refusal to Take
Forfeits office. (Ill. IV 5; Nebr. XIV 1; Okla. XV 2; S.D. III 8; W.Va. VI 16; Wyo. VI, Elections 9.)
Vacates seat. (Mo. IV 15.)
When Taken
Before entering upon duties of office. (Ala. XVI 279; Ark. XIX 20; Cal. XX 3; Colo. XII 7; Conn. X 1; Del. XIV; Fla. XVI 2; Ida. III 25; Ill. IV 5; Iowa III 32; Kan. II 7; Ky. 228; La. 161; Me. IX 1; Md. I 6; Mass. Amend. VI; Mich. XVI 2; Minn. IV 29; Miss. IV 40; Mo. IV 15; Mont. XIX 1; Nebr. XIV 1; Nev. XV 2; N.H. II 83; N.J. IV Sec. VIII 1; N.Y. XIII 1; N.D. XVII 211; Okla. XV 1; Ore. IV 31; Pa. VII 1; S.C. III 26; S.D. III 8; Tex. XVI 1; Va. II 34; W.Va. VI 16; Wis. IV 28; Wyo. VI, Elections 8.)
Before taking seat. (N.C. II 24.)
Before proceeding to business. (Tenn. X 2; Vt. II 16, 17.)
Privileges
Freedom of speech, *See above, this subdivision,* FREEDOM OF SPEECH.
Freedom of vote, *See below, this title,* VOTING.
From arrest, *See above, this subdivision,* ARREST, PRIVILEGE FROM.
From civil process, *See above, this subdivision,* CIVIL PROCESS, PRIVILEGE FROM.
Protection of
For the power to punish a person for threatening or assaulting a member for anything said or done in either house, See above, this title, CONTEMPTS.

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LEGISLATURE (*Cont'd*)

MEMBERS (*Cont'd*)

Protection of (*Cont'd*)

Each house may protect, against violence. (N.M. IV 11.)

To protect members against violence or offers of bribes or private solicitation. (Ark. V 12; Colo. V 12; Mont. V 11; N.D. II 48; Pa. II 11; Wyo. III 12.)

Each house may protect, against violence or offers of bribery or corrupt solicitation. (Ala. IV 53.)

Protest, Right of

Any member to have, and to have protest with reasons for dissent entered on journal. (Ariz. IV Pt. II 16; Ind. IV 26; Ore. IV 26.)

Any member to have right to protest against any act or resolution; protest and reasons to be entered upon journal without alteration, commitment or delay. (Kan. II 11; Ohio II 10.)

Any member may, by motion have protest or dissent against any vote, resolve or bill, entered, with reasons therefor, on journal. (N.H. II 23.)

Any member may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or to public, and have reason therefor entered on journal. (Ala. IV 55; Iowa III 10; Mich. V 16; N.C. II 17; S.C. III 22; Tenn. II 27.)

Two or more members may dissent or protest against any act or resolution which they may think injurious to public or to individual and have reason for dissent entered on journal. (Ill. IV 10; Minn. II 16.)

Punishment of

Rule

Each house may punish for disorderly behavior. (Ariz. IV 11; Conn. III 8; Del. II 9; Fla. III 6; Ind. IV 14; Iowa III 9; Ky. 39; Me. IV Pt. III 4; Minn. IV 4; Miss. IV 55; Mo. IV 17; Nev. IV 6; N.J. IV Sec. IV 3; Ohio II 8; Okla. V 30; Ore. IV 15; R.I. IV 7; S.C. III 12; Tenn. II 12; Utah VI 10; Va. IV 47; W.Va. VI 25.)

Each house may punish for disorderly or disrespectful behavior. (Md. III 19.)

Each house may punish for contempt and disorderly behavior. (La. 25; Wash. II 9; Wis. IV 8.)

Each house may punish for contempt or disorderly behavior in its presence. (Ala. IV 53; Ark. V 12; Colo. V 12; Mont. V 11; N.M. IV 11; Pa. II 11; Wyo. III 12.)

Each house may punish for contempt or disorderly behavior in its presence; imprisonment not to continue beyond 30 days. (N.D. II 48.)

Each house may punish for disorderly behavior or misconduct by censure, fine, imprisonment or expulsion. (Ga. III Sec. VII 1.)

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LEGISLATURE (*Cont'd*)
MEMBERS (*Cont'd*)
Punishment of (*Cont'd*)
Effect
Not to bar indictment for same offense. (Ala. IV 54; Ark. V 12; Colo. V 12; Okla. V 19; Pa. II 11.)
Not to bar criminal prosecution for same offense. (Mont. V 11; N.M. IV 11; N.D. II 48; Wyo. III 12.)
Qualifications, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS.
Quorum, *See below, this title,* QUORUM.
Recall of, *See* RECALL OF PUBLIC OFFICERS.
Removal from Office
Laws to be passed providing for prompt removal from office for any misconduct involving moral turpitude or for other cause provided by law. (Ohio II 38.)
Term of Office
Lower House
One year. (Me. IV Pt. I 2; N.J. IV Sec. III 1; N.Y. III 2.)
Two years. (Ariz. IV Pt. II 21; Ark. V 3; Cal. IV 3; Colo. V 3; Del. II 2; Fla. VII 2; Ida. III 3; Ill. IV 7; Ind. IV 3; Kan. II 29; Ky. 30; Me. IV Pt. I 2; Md. III 2; Mich. V 3; Minn. II 24; Mont. V 2; Nebr. III 4; Nev. IV 3; N.H. II 11; N.M. IV 4; N.C. II 5; N.D. II 33; Ohio II 2; Okla. V 10; Ore. IV 4; Pa. II 3; S.C. III 2; S.D. III 6; Tenn. II 3; Tex. III 3; Utah VI 3; Vt. II 38; Wash. II 6; W.Va. VI 3; Wis. IV 5; Wyo. III 5.)
Two years and until successors duly qualified. (Conn. Amend. XXVII 2.)
Two years and until successors elected and qualified. (Iowa III 3, 5; R.I. Amend. XVI 1.)
Two years; to serve until time fixed by law for convening of next assembly. (Ga. III Sec. IV 1 (1914).)
Four years. (Ala. IV 46; La. 24; Miss. IV 35.)
Senate
With respect to term of office of first senate under constitution, See above, this subdivision, CLASSIFICATION OF SENATORS.
One year. (Me. IV Pt. II 1.)
Two years. (Ariz. IV Pt. II 21; Ida. III 3; Mich. V 2; Nebr. III 4; N.H. II 24; N.Y. III 2; N.C. II 5; Ohio II 2; S.D. III 6; Tenn. II 3; Vt. II 38.)
Two years and until successors duly qualified. (Conn. Amend. XXVII 2.)
Two years and until successors elected and qualified. (R.I. Amend. XVI 1.)
Two years; to serve until time fixed by law for convening of next assembly. (Ga. III Sec. IV 1 (1914).)
Three years. (N.J. IV Sec. II 1.)

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LEGISLATURE (*Cont'd*)

MEMBERS (*Cont'd*)

Term of Office (*Cont'd*)

Senate (*Cont'd*)

Four years. (Ala. IV 46; Ark. V 2; Cal. IV 3; Colo. V 3; Del. II 2; Fla. VII 2; Ill. IV 6; Ind. IV 3; Kan. II 29; Ky. 31; La. 24; Md. III 2; Minn. II 24; Miss. IV 34; Mont. V 2; Nev. IV 13; N.M. IV 4; N.D. II 27; Okla. V 9; Ore. IV 4; Pa. II 3; S.C. III 6; Tex. III 3; Utah VI 3; Wash. II 5; W.Va. VI 3; Wis. IV 5; Wyo. III 5.)

Four years and until successors elected and qualified. (Iowa III 3, 5.)

Beginning

On day of election. (Ark. V 16; Md. III 6; Tex. III 4.)

At time of election. (N.C. II 25.)

Day next after election. (Del. Sched. 4; Ind. IV 3; Nev. IV 4; Ore. IV 4.)

On day after election, until otherwise provided by law. (Mont. V 2, 6.)

Day after general election at which elected; to expire on day after general election held in fourth year after election, except as otherwise provided in constitution. (Ala. IV 46.)

Monday following election. (S.C. III 6, 2, 10.)

First Wednesday in November next after election until otherwise provided by law. (Colo. V 3, 7.)

First day of December next after election. (Ida. III 3; Pa. II 2; W.Va. IV 7.)

First day of January succeeding election. (Iowa III 5; Ky. 31, 30; Ohio II 2; R.I. Amend. XVI 1; Utah VI 3, 4.)

First Monday in January after election. (Wyo. III 5.)

First Tuesday in January next after election. (N.D. II 41.)

First Wednesday in January next ensuing election. (Senate.) (N.H. II 24, 11.)

First Wednesday next after first Monday of January following election. (Conn. Amend. XXVII 2; Vt. II 38.)

Day next preceding regular meeting. (Me. IV Pt. I 2, Pt. II 1.)

OFFICERS

See also above, this title, EMPLOYEES.

President of Senate, *See below, this title,* PRESIDENT OF SENATE.

Speaker of House, *See below, this title,* SPEAKER OF HOUSE.

Bond

Secretary of senate and clerk of lower house to give bond and security for faithful discharge of duties. (Ga. III Sec. VIII.)

Compensation

In General

Each house to fix, of own officers. (S.D. III 9.)

To be prescribed by law. (Ala. IV 67.)

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LEGISLATURE (*Cont'd*)
OFFICERS (*Cont'd*)
Compensation (*Cont'd*)
In General (*Cont'd*)
To be prescribed by law; no payment to be made or authorized to any such person except to an acting officer elected or appointed in pursuance of law. (Colo. V 27; Mont. V 28; Pa. III 10; Wyo. III 29.)
No salary or compensation to be paid to, unless fixed by law in force prior to election or appointment of such officer. (Nev. IV 28.)
No allowance or reward for any purpose whatever to be paid to any officer of either house, except such per diem as prescribed by law, not to exceed $5. (Mo. IV 16.)
Expenses of clerical officers of houses, clerks of committees and all other employees not to exceed $100 a day for senate, nor $120 a day for lower house. (La. 43.)
Total expense for officers and attaches not to exceed $500 per diem for either house at regular session, nor more than $200 per diem for either house at special session. (Cal. IV 23.)
Not to exceed amounts specified. (N.M. IV 9.)
Increase or Decrease
Not to be increased after election or appointment. (Cal. IV 23.)
Not to be increased or diminished so as to apply to any officer at such session. (Nev. IV 28.)
Duties
To be prescribed by law. (Ala. IV 67; Colo. V 27; Mont. V 28; Pa. III 10; Wyo. III 29.)
Election
See also below, this title, "PRESIDENT OF SENATE", "SPEAKER OF HOUSE".
Each house to choose own officers. (Ala. IV 51; Ark. V 11; Cal. IV 7; Colo. V 10; Del. II 7; Fla. III 6; Ill. IV 9; Ind. IV 10; Iowa III 7; La. 25; Md. III 19; Mass. Pt. II Ch. I Sec. II 7, Sec. III 10; Miss. IV 38; Mo. IV 17; Mont. V 9; Nebr. III 7; Nev. IV 6; N.H. II 21, 36; N.J. IV Sec. IV 3; N.M. IV 9; N.Y. III 10; N.C. II 18; Pa. II 9; S.C. III 12; Tex. III 9; Utah VI 12; Va. IV 47; Wash. II 10; W.Va. VI 24; Wis. IV 9; Wyo. III 10.)
Each house when assembled, to choose own officers. (Ariz. IV Pt. II 8; Ida. III 9; Ore. IV 11; Tenn. II 11.)
Each house to elect such officers as prescribed by law. (Minn. IV 5.)
Each house, except as otherwise provided in constitution, to choose own officers. (Mich. V 15; Ohio II 8.)
Each house when assembled to choose clerk and other officers. (Conn. III 7.)

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LEGISLATURE (*Cont'd*)

OFFICERS (*Cont'd*)

Election (*Cont'd*)

Senate to choose president, secretary and other officers; lower house to choose speaker, clerk and other officers. (Me. IV Pt. I 7, Pt. II 8.)

Lower house to choose speaker and other officers; senate to have power to choose officers biennially. (Ky. 34.)

Lower house to have authority to elect clerk and other officers. (R.I. V 2.)

Lower house to elect speaker, clerk and other necessary officers; senate to appoint own officers. (Vt. II 14, 19.)

Enumeration of

Elective officers, other than presiding officers, to be chief clerk and sergeant-at-arms. (Wis. XIII 6.)

Clerical officers to be a secretary of senate and clerk of lower house, with such assistants as necessary. (La. 43.)

Officers, other than president and speaker, to be secretary of senate and clerk of lower house and such assistants as they may require. (Ga. III Sec. 8.)

Number

To be prescribed by law. (Ala. IV 67; Colo. V 27; Mont. V 28; Pa. III 10; Wyo. III 29.)

Not to exceed list specified. (N.M. IV 9.)

Oath of Office

Administration of

By judge of supreme or circuit court, or presiding officer of either house, in hall of house to which elected. (S.D. III 8.)

Contents

Perform duties faithfully to best of ability and preserve all records or property with which intrusted. (N.J. IV Sec. VIII 2.)

Filing of

Secretary of state to record and file. (S.D. III 8.)

Refusal to Take

To forfeit office. (S.D. III 8.)

When Taken

Before entering upon duties. (N.J. IV Sec. VIII 2; S.D. III 8.)

Presiding Officer

Absence or Disability of

In absence, house may appoint member to preside. (Del. II 7.)

House may elect member to preside and perform duties of such officer during disability; during such time temporary officer to receive same compensation to which permanent officer entitled. (Ala. IV 51.)

In Joint Elections, See above, this title, ELECTIONS BY.

President of Senate, See below, this title, PRESIDENT OF SENATE.

Speaker of House, See below, this title, SPEAKER OF HOUSE.

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LEGISLATURE (*Cont'd*)
OFFICERS (*Cont'd*)
Qualifications and Disqualifications
Clerk of lower house ineligible to legislature; acceptance of such office by member to vacate seat. (Mass. Pt. II Ch. VI 2.)
No judge or clerk of any court, secretary of state, attorney-general, register of deeds, sheriff or any person holding any office of profit under state (except in militia or office of attorney-at-law, notary public or justice of peace) and no person holding any office of profit or honor under any foreign government or under the government of the United States (except postmaster receiving annual compensation not exceeding $300), eligible for office in either house. (N.D. II 37.)
No person holding office of honor or profit under foreign government or under government of the United States, except postmasters receiving annual compensation not exceeding $300, to hold any office in either house. (S.D. III 3.)
Expelled members ineligible to any office in either house, if expelled for corruption. (N.D. II 38.)
No collector or holder of public moneys eligible to any office in either house until accounting for and payment of all moneys due from him, according to law. (S.D. III 4.)
Persons convicted of bribery, perjury or infamous crime ineligible to any office in either house. (N.D. II 38.)
Removal
Each house may remove at pleasure. (W.Va. VI 24.)
PRESIDENT OF SENATE
Compensation
Of Lieutenant-Governor, See LIEUTENANT-GOVERNOR.
In General
To receive same compensation and mileage as member. (Mich. V 10.)
Additional allowance equal to one-third allowance as member. (N.J. IV Sec. IV 7.)
Presiding officer to receive additional compensation equal to half of day's allowance as member. (Ida. III 23.)
Presiding officer to receive additional compensation equal to two-thirds of per diem allowance as member. (Ore. IV 29.)
Two dollars a day additional allowance during time in actual attendance as presiding officer. (Nev. IV 33; W.Va. VI 33.)
Presiding officer to receive additional compensation of $3 per diem. (Md. III 15.)
Presiding officer to receive $5 a day for not exceeding 60 days; no compensation for longer session; for special session same compensation for period not exceeding 30 days. (Del. II 15.)
Presiding officer to receive $6 a day and mileage. (N.C. II 28.)
Not to exceed $7 a day. (Ga. III Sec. 9.)
Two hundred fifty dollars. (N.H. II 14.)

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LEGISLATURE (*Cont'd*)

PRESIDENT OF SENATE (*Cont'd*)

Compensation (*Cont'd*)

When Acting as Governor

Same as that of governor. (N.J. V 12, 14.)

Duties

To be presiding officer. (Fla. III 6.)

To preside in joint elections and decide result. (Ga. III Sec. 10.)

Election

By senate. (Me. IV Pt. II 8; Mass. Pt. II Ch. I Sec. II 7; N.H. II 36; N.J. IV Sec. IV 3.)

Senate to choose a speaker. (Tenn. II 11.)

By senate from among its own members at convening of each regular session. (Fla. III 6.)

To be elected *viva voce* from senators. (Ga. III Sec. V 2.)

By senate at beginning and close of each regular session and at such other times as necessary. (Mont. V 9; Wyo. III 10.)

By senate at beginning of each regular session and whenever vacancy may occur; if term of president expire before next session other president to be elected at close of session from among members whose terms of office continue over. (Ark. V 18.)

Lieutenant-Governor as (Minn. V 6.)

But to have no vote. (Mich. VI 19.)

But to vote only when senate equally divided. (Ala. V 117; Cal. V 15; Colo. IV 14; Del. III 19; Ida. IV 13; Ill. V 18; Iowa IV 18; Kan. I 12; La. 68; Mont. VII 15; Nebr. V 17; Nev. V 17; N.M. V 8; N.Y. IV 7; N.C. II 19; N.D. III 77; Ohio III 16; Pa. IV 4; R.I. Amend. XIV 1; S.C. IV 5, 6; S.D. IV 7; Va. V 79; Vt. II 19; Wash. III 16, II 10; Wis. V 8.)

But to have only casting vote therein and in joint vote. (Okla. VI 15.)

And when senate equally divided to give casting vote; to have right to debate when in committee of whole. (Conn. IV 13.)

To give casting vote in senate when equally divided and in joint vote of both houses; may debate all questions in committee of whole. (Miss. V 129; Mo. V 15.)

And when senate equally divided to give casting vote; to have right, when in committee of whole, to debate and vote on all questions. (Ind. V 21; Ky. 83; Tex. IV 16.)

President Pro Tem.

Compensation in General

To receive same compensation as allowed to speaker of lower house. (Mo. V 18.)

When acting as president of senate to receive same compensation allowed to speaker of house. (Ky. 86.)

Compensation When Acting as Governor

Same as that of governor. (Ala. V 129; Ky. 86; La. 67; Me. V Pt. I 14; Miss. V 131; Mo. V 17; N.M. V 7; N.C. III 12; Pa. IV 14; Tex. IV 17; Utah VII 11.)

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LEGISLATURE (*Cont'd*)
PRESIDENT OF SENATE (*Cont'd*)
President Pro Tem. (*Cont'd*)
Duties
To act in absence or disability of presiding officer. (Miss. IV 39.)
To take place of lieutenant-governor under rules prescribed by law. (N.D. II 31.)
To preside in absence of lieutenant-governor. (Ala. IV 51; N.M. IV 8.)
To be lieutenant-governor in case of vacancy in that office. (Minn. V 6.)
To preside in absence or place of lieutenant-governor. (Okla. V 28.)
To preside in absence of lieutenant-governor or when such office vacant. (R.I. Amend. XIV 2.)
To preside in absence of lieutenant-governor or when he acts as governor. (Ill. IV 9; Nebr. III 7; S.C. IV 7.)
To preside in absence or impeachment of lieutenant-governor, or when he holds office of governor. (Kan. I 12; Mo. V 17.)
To preside in absence or impeachment of lieutenant-governor or when he refuses to act as president or acts as governor. (N.Y. III 10.)
To perform duties of lieutenant-governor in his absence or disability and whenever such office vacant. (Ida. IV 13; Pa. II 9; Tex. III 9.)
To perform duties of lieutenant-governor in his absence, impeachment or disqualification, or when he holds office of governor, until vacancy filled or disability removed. (Colo. IV 14.)
To preside in absence of lieutenant-governor or in case he becomes governor or while he continues in exercise of office of governor by reason of disability of governor. (Del. II 7.)
Election
Senate to elect. (Ill. IV. 9; Kan. I 12; La. 68; Miss. IV 39; Mo. V 17; Nebr. III 7; N.Y. III 10; Okla. V 28; R.I. Amend. XIV 2.)
By senate at each biennial session. (Del. II 7.)
By senate as soon as practicable after convening. (S.C. IV 7.)
By senate as soon as possible after organization and as often as vacancies occur in the office. (Ky. 85.)
By senate at beginning and close of each regular session and at such other times as necessary. (Ala. IV 51; Colo. V 10; N. D. II 31; Okla. V 28; Pa. II 9; Tex. III 9.)
By senate before close of each session. (Minn. V 6.)
By senate when lieutenant-governor is absent or acts as governor. (Ida. IV 13; Ind. V 11; N.C. II 20, III 12; Vt. II 19; Va. IV 47; Wash. II 10; Wis. IV 9.)

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LEGISLATURE (*Cont'd*)

PRESIDENT OF SENATE (*Cont'd*)

President Pro Tem. (*Cont'd*)

Election (*Cont'd*)

By senate in case of absence or impeachment of lieutenant-governor, or when he acts as governor. (Iowa IV 18; Ohio III 16.)

By senate when lieutenant-governor acts as governor or unable to attend as president of senate; if vacancy in office of lieutenant-governor occurs during recess, secretary to convene senate to choose president pro tem. (Conn. IV 15, 16.)

Succession to Office of Governor, See GOVERNOR.

Term of Office

Until successor elected and qualified. (Ala. IV 51.)

To serve until next session of legislature. (N.M. IV 8.)

When Acting as Governor

Seat in senate to become vacant. (Pa. IV 14.)

Succession to Office of Governor, *See* GOVERNOR.

When Acting as Governor

Not to hold office in senate. (Me. V Pt. I 14; N.H. II 48; S.C. IV 9.)

PROCEDURE, RULES OF, *See below, this title,* RULES, ADOPTION OF.

PROCEEDINGS PUBLIC

General Rule

Sessions of each house to be open. (Ark. V 13; Colo. V 14; Del. II 11; Md. III 21; Minn. IV 19; Mo. IV 19; Mont. V 13; Nebr. III 8; N.M. IV 12; N.D. II 50; Pa. II 13; S.D. III 15; Tex. III 16; Utah VI 15; Wyo. III 14.)

Doors of each house to be open. (Ala. IV 57; Cal. IV 13; Fla. III 13; Ill. IV 10; Ind. IV 13; Iowa III 13; Mich. IV 18; Miss. IV 58; Nev. IV 15; N.Y. III 11; Ore. IV 14; S.C. III 23; Tenn. II 22; Wash. II 11; Wis. IV 10.)

Debates in each house to be public. (Conn. III 11.)

Proceedings of both houses to be public. (Ohio II 13.)

Doors to be open for admission of persons who behave decently. (Vt. II 8.)

Doors of galleries of each house to be kept open to all persons who behave decently. (N.H. II 8.)

Business of each house to be transacted openly and not in secret session. (Ida. III 12.)

Printing presses to be free to every person to examine proceedings of legislature. (Tenn. I 19.)

Printing presses to be free to every person to examine proceedings of legislature; no law to restrain right thereof. (Ky. 8; Pa. I 7.)

Exceptions

When business is such as requires secrecy. (Ark. V 13; Colo. V 14; Del. II 11; Md. III 21; Miss. IV 58; Mo. IV 19; Mont. V 13; Nebr. III 8; N.D. II 50; Pa. II 13; S.D. III 15; Tenn. II 22; Wyo. III 14.)

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LEGISLATURE (*Cont'd*)
PROCEEDINGS PUBLIC (*Cont'd*)
Exceptions (*Cont'd*)
When public welfare requires secrecy. (Cal. IV 13; Iowa III 13; Mich. IV 18; N.Y. III 11; S.C. III 23; Vt. II 8; Wash. II 11; Wis. IV 10.)
When welfare of state, in opinion of either house, requires secrecy. (N.H. II 8.)
On such occasions as in opinion of house may require secrecy. (Ala. IV 57; Cal. IV 13; Conn. III 11; Ill. IV 10; Ind. IV 13; Iowa III 13; Minn. II 18; Ore. IV 14; S.C. III 23.)
In cases which, in opinion of two-thirds of those present, require secrecy. (Ohio II 13.)
Senate while sitting in executive session. (Fla. III 13; Nev. IV 15; Tex. III 16; Utah VI 15.)
Senate, in deliberating upon executive nomination, may sit with closed doors, but, in acting upon nominations, to sit with open doors. (Colo. IV 6.)
When in Committee of Whole
Business to be transacted openly and not in secret session. (Ida. III 12.)
Sessions to be open unless business is such as requires secrecy. (Ark. V 13; Colo. V 14; Del. II 11; Md. III 21; Mont. V 13; Nebr. III 8; N.D. II 50; Pa. II 13; S.D. III 15; Wyo. III 14.)
Doors to be kept open, except in cases which may require secrecy. (Miss. IV 58; Tenn. II 22.)
Doors to be kept open, except in such cases as in opinion of house require secrecy. (Ill. IV 10.)
Doors to be kept open, except in such cases as in opinion of either house require secrecy. (Ind. IV 13; Ore. IV 14.)
Admission to Floor
No person to be admitted to floor of either house while in session, except members of legislature, officers and employees of houses, governor and his secretaries, representatives of press, and other persons to whom either house by unanimous vote may extend privileges of its floor. (Ala. IV 57.)
QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS
Accounting for Public Funds
Collector or holder of public moneys ineligible until accounting for and payment of all moneys due. (Ill. IV 4; Iowa III 23; S.D. III 4; Tenn. II 25; W.Va. VI 14.)
No collector, holder or disburser of public moneys eligible until accounting for and payment of all sums for which liable. (Mich. X 19.)
No person holding public moneys for disbursement or otherwise, eligible until accounting for and payment of such moneys into treasury. (Ohio II 5.)
No collector, receiver or holder of public money, eligible until accounting for and payment into treasury of all sums on books thereof charged to and due by him. (Md. III 12.)

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Accounting for Public Funds (*Cont'd*)

No person who may have been collector of taxes or otherwise entrusted with public money, eligible until discharge obtained for amount of collections or for all moneys with which entrusted. (La. 182; Tex. III 20.)

No collector or holder of public money, nor assistant or deputy of such holder or collector, eligible, until accounting for and payment of all sums for which liable. (Ark. V 8.)

Collector of taxes or public moneys for state or subdivision thereof, or assistant or deputy of such collector, ineligible unless quietus obtained six months before election for amount of collection and for all public money for which responsible. (Ky. 45.)

No person liable as principal for public moneys unaccounted for to be eligible until accounting for and payment of all sums for which liable. (Miss. IV 43.)

Former state treasurer ineligible until final settlement of account as treasurer and discharge of balance due, if any. (Del. II 24.)

Defaulter for public money or for any legal taxes required of him, ineligible. (Ga. III Sec. IV 7.)

Collectors of excise and state and continental taxes hereafter appointed, and not having settled their accounts with the proper officer, shall not at same time have seat in either house. (N.H. II 94.)

Age

Lower House

Twenty-one years. (Ala. IV 47; Ark. V 4; Ga. III Sec. VI I; Ill. IV 3; Ind. IV 7; Iowa III 4; Me. IV Pt. I 4; Md. III 9; Miss. IV 41; Mont. V 3; N.J. IV Sec. I 2; N.M. IV 3; N.D. II 34; Okla. V 17; Ore. IV 8; Pa. II 5; S.C. III 7; Tenn. II 9; Tex. III 7; W.Va. IV 4; Wyo. III 2.)

Twenty-four years. (Del. II 3; Ky. 32; Mo. IV 4.)

Twenty-five years. (Ariz. IV Pt. II 2; Colo. V 4; S.D. III 3; Utah VI 5.)

Senate

Twenty-one years. (Ore. IV 8.)

Twenty-four years. (Mont. V 3.)

Twenty-five years. (Ala. IV 47; Ariz. IV Pt. II 2; Ark. V 4; Colo. V 4; Ga. III Sec. V 1; Ill. IV 3; Ind. IV 7; Iowa III 5; La. 24; Me. IV Pt. II 6; Md. III 9; Miss. IV 42; N.M. IV 3; N.C. II 7; N.D. II 28; Okla. V 17; Pa. II 5; S.C. III 7; S.D. III 3; Utah VI 5; W.Va. IV 4; Wyo. III 2.)

Twenty-six years. (Tex. III 6.)

Twenty-seven years. (Del. II 3.)

Thirty years. (Ky. 32; Mo. IV 6; N.H. II 28; N.J. IV Sec. I 2; Tenn. II 10; Vt. II 18.)

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LEGISLATURE (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)
Bribery as Disqualification
See also above, this title, MEMBERS — BRIBERY.
Person convicted of, ineligible. (Ala. IV 60; Ark. V 9; Del. II 21; Ill. IV 4; Miss. IV 44; N.D. II 38; Pa. II 7; S.D. III 4.)
Person convicted of bribery or solicitation of bribery ineligible. (Colo. XII 4.)
Person convicted of bribery or corruption in obtaining election or appointment ineligible. (Mass. Pt. II Ch. VI 2; N.H. II 95.)
Person who directly or indirectly gives, promises or bestows any rewards to be elected, to be incapable to serve for ensuing year. (Vt. II 51.)
Citizenship
Of United States
Required. (Ariz. IV Pt. II 2; Ark. V 4; Colo. V 4; Ga. III Sec. V 1, Sec. VI 1; Ida. III 6; Ill. IV 3; Ind. IV 7; Iowa III 4, 5; Mich. V 5; Mo. IV 5, 6; Mont. V 3; Ore. IV 8; S.D. III 3; Tenn. II 9, 10; Tex. III 6, 7; Utah VI 5; Wash. II 7; Wyo. III 2.)
For five years at commencement of period for which elected. (Me. IV Pt. I 4, Pt. II 6.)
Of State
At time of election. (Ky. 32; Md. III 9; Wyo. III 2.)
For two years next preceding election (senate). (N. C. II 7.)
For three years next before election. (Ala. IV 47; Cal. IV 4; Del. II 3.)
For three years immediately preceding election (lower house). (Tenn. II 9, 10.)
For four years next before election. (Pa. II 5.)
For four years next preceding election (lower house). (Miss. IV 41.)
For five years at time of election. (La. 24.)
For five years next preceding election (senate). (W.Va. IV 4.)
For four years next before election (senate); for two years (lower house). (Ga. III Sec. V 1, Sec. VI 1; N.J. IV Sec. I, 2.)
Defaulter Ineligible, *See above, this subdivision,* ACCOUNTING FOR PUBLIC FUNDS.
Determination of
Each house to be judge of qualifications of own members. (Ala. IV 51; Ariz. IV 8; Cal. IV 7; Colo. V 10; Del. II 8; Fla. III 6; Ga. III Sec. VII 1; Ida. III 9; Ill. IV 9; Ind. IV 10; Iowa III 7; Kan. II 8; Ky. 38; La. 25; Me. IV Pt. III 3; Mass. Pt. II Ch. I Sec. II 4, III 10; Mich. V 15; Miss. IV 38; Mont. V 9; Nebr. III 7; Nev. IV 6; N.H. II 21, 34; N.J. IV Sec. IV 2; N.M. IV 7; N.Y. III 10; N.C. II 22; N.D. II 47; Ohio II 6; Okla. V 30; Ore. IV 11; Pa. II 9; R.I. IV 6; S.C.

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LEGISLATURE (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)
Determination of (*Cont'd*)
III 11; S.D. III 9; Tenn. II 11; Tex. III 8; Utah VI 10; Va. IV 47; Vt. II 14, 19; Wash. II 6; W.Va. VI 24; Wis. IV 7; Wyo. III 10.)
Each house to judge of eligibility of own members. (Minn. IV 3.)
Each house to be sole judge of qualifications of own members. (Ark. V 11.)
Each house to be judge of qualifications of own members as prescribed by constitution and laws of state. (Md. III 19.)
Dual Office Holding
State Officer Ineligible
Adjutant-general ineligible, *See* MILITIA.
Attorney-general ineligible, *See* ATTORNEY-GENERAL.
Auditor ineligible, *See* AUDITOR.
Clerk of court ineligible, *See* COURTS — CLERKS.
Clerk of lower house ineligible, *See above, this title,* OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS.
Collector of taxes ineligible. (Ill. IV 3; S.D. III 3; Va. IV 44.)
Commissary-general ineligible, *See* MILITIA.
Commissioner of revenue ineligible. (Va. IV 44.)
Comptroller ineligible, *See* COMPTROLLER.
Constable ineligible, *See* CONSTABLES.
Coroner ineligible, *See* CORONERS.
Council, member of, ineligible, *See* GOVERNOR — COUNCIL.
County attorney ineligible, *See* PROSECUTING ATTORNEYS.
Custom officers, including naval officers, ineligible. (Mass. Pt. II Chap. VI 2; N.H. II 94.)
Governor ineligible, *See* GOVERNOR.
Judges ineligible, *See* COURTS — JUDGES.
Judge of probate ineligible, *See* COURTS — PROBATE COURTS.
Justice of peace ineligible, *See* COURTS — JUSTICES OF PEACE.
Lieutenant-governor ineligible, *See* LIEUTENANT-GOVERNOR.
Military officers receiving pay from continent or state, except officers occasionally called forth on emergency, ineligible. (N.H. II 94.)
Receiver-general ineligible. (Mass. Pt. II Chap. VI 2.)
Recorder ineligible, *See* COUNTIES.
Register ineligible. (Tenn. II 26.)
Register of deeds ineligible, *See* COUNTIES — RECORDER.
Register of probate ineligible, *See* COURTS—PROBATE COURTS.
Secretary of state ineligible, *See* SECRETARY OF STATE.
Sergeant ineligible. (Va. IV 44.)
Sheriff and deputies ineligible, *See* SHERIFFS.
Solicitor-general ineligible, *See* SOLICITOR-GENERAL.
State's attorney ineligible, *See* PROSECUTING ATTORNEYS.
Surveyor-general ineligible, *See* SURVEYOR-GENERAL.

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LEGISLATURE (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)
Dual Office Holding (*Cont'd*)
State Officer Ineligible (*Cont'd*)
State treasurer ineligible, *See* TREASURER.
Tax assessor ineligible. (Va. IV 44.)
No person holding salaried office under the state eligible during continuance in office; election to legislature and qualification as member to vacate office. (Va. IV 44.)
No person to serve who is, at time of such service, an officer of the state government, or is receiving compensation as such. (Okla. V 18.)
No person holding any office (except of attorney-at-law or in militia), under this commonwealth, eligible during continuance in office. (Pa. II 6.)
No person holding an office under this state (except that of notary public or in militia), eligible during continuance in office. (Mont. V 7; Wyo. III 8.)
No person holding any office under this state (except attorneys-at-law, notaries public or in militia), eligible. (Colo. V 8.)
No person holding any office under the state (except officers usually appointed by the courts of justice, respectively, attorneys-at-law and officers in the militia), eligible during continuance in office. (Del. II 14.)
No person holding any office under state or under any county, eligible (except notaries public, officers of militia and officers elected by townships). (Mich. V 6.)
No person to be, at same time, member of legislature and officer of any county, city, town or municipality, or an employee thereof. (Ky. 165.)
No person holding lucrative office under this state eligible. (W.Va. VI 13.)
No person holding lucrative office under state government eligible during term for which elected or appointed. (Tex. III 19.)
No person holding lucrative office under this state eligible, but appointments in militia and offices of notary public and justice of peace not to be considered lucrative. (Ill. IV 3; S.D. III 3.)
No person holding any lucrative office under this state eligible, but offices in militia to which is attached no annual salary or office of justice of peace or notary public, not to be deemed lucrative. (Iowa III 22.)
No person holding lucrative office under state eligible (military officers, justices of peace, officers of public schools, and notaries, excepted). (Ark. V 7.)
No person holding any lucrative office under the authority of this state eligible (township officers, justices of peace, notaries public and officers of militia, excepted). (Nebr. III 6; Ohio II 4.)

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Dual Office Holding (*Cont'd*)

State Officer Ineligible (*Cont'd*)

No person holding a lucrative office under this state or any municipality thereof (military officers, justices of peace and notaries public, excepted), eligible; acceptance of any such office to vacate seat. (Mo. IV 12.)

No person holding a lucrative office or appointment under this state eligible. (Fla. III 7.)

No person holding lucrative office or appointment under state, eligible, but offices of militia to which no annual compensation attached, not to be deemed lucrative. (Ind. II 9; Ore. II 10.)

No person eligible, who at time of election is, or within 100 days previous thereto has been, an officer of any city government; acceptance of appointment to such office to vacate seat. (N.Y. III 8.)

No person holding any office of profit eligible; office to be considered vacant on being elected and taking seat. (N.J. IV Sec. V 3.)

No person holding any office of profit under this state eligible (office in militia, attorney-at-law, notary public or justice of peace, excepted). (N.D. II 37.)

No person holding office of profit under state, eligible during continuance in office (justices of peace, notaries public, coroners and officers of militia, not ineligible). (Me. IV Pt. III 11.)

No person holding civil office of profit or trust under state, eligible, except justices of peace. (Md. III 11.)

No person eligible who, at time of qualifying, holds an office of trust or profit under the state or county government, except notaries public and officers of the militia who receive no salary. (N.M. IV 3.)

No person eligible while holding any office or position of profit or trust under this state (except officers in militia and notaries public); acceptance or exercise of any such office or position to vacate seat. (S.C. III 24.)

No person holding any office or place of trust or profit under state (except officers in militia, justices of peace, commissioners of public charities or for special purposes), eligible. (N.C. XIV 7.)

No person holding any public office of profit or trust under authority of state, eligible (appointments in militia and office of notary public and justices of peace, excepted). (Ariz. IV Pt. II 4.)

No person holding any public office of profit or trust under the authority of this state eligible, but appointments to

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LEGISLATURE (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)
Dual Office Holding (*Cont'd*)
State Officer Ineligible (*Cont'd*)
state militia and offices of notary public and justice of peace not to be considered offices of profit or trust. (Utah VI 6.)
No person holding civil or military office under United States or any other power, eligible; acceptance of any such office to vacate seat; but officers of militia of the state who receive no annual salary and local officers whose compensation does not exceed $300 per annum, not disqualified. (Wash. II 14.)
No person holding military commission or other appointment or office having emolument or compensation annexed thereto, under this state (except justices of peace and officers of militia), eligible. (Ga. III Sec. IV 7.)
Member of senate acting as governor or lieutenant-governor thereupon vacates seat. (S.C. IV 8.)
Ineligible to State Office Generally
Member not to be councillor. (Me. V Pt. II 4.)
Not to hold, during time for which elected, any office under authority of state. (Minn. IV 9.)
Not to be appointed during term for which elected to any office under state or any municipality thereof. (Mo. IV 12.)
Ineligible during term for which elected to any office, election to which is fixed in legislature. (Ind. IV 30; Ore. IV 30.)
Not to be appointed to any office or place, appointment to which may be made in whole or in part by either house. (Tex. III 18.)
Not to be appointed to any civil office under state during term for which elected. (Colo. V 8; Mont. V 7; N.M. IV 28; Pa. II 6; Wyo. III 8.)
Not to be appointed or elected to any civil office under state during term for which elected. (Ark. V 10.)
Not to be appointed or elected, during term for which elected, to civil office of profit in state, except office filled by election by people. (Va. IV 45.)
Not to receive any civil appointment from governor or governor and senate during term for which elected. (N.D. II 39.)
Not to be appointed by governor, with or without advice and consent of senate, to any office or appointment having emoluments annexed thereto, during time for which elected. (Ga. III Sec. IV 7.)
Not to receive any civil appointment within the state from governor or senate during term for which elected; such

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Dual Office Holding (*Cont'd*)

Ineligible to State Office Generally (*Cont'd*)

appointments and votes given for such member therefor to be void. (Nebr. III 13.)

Not to receive any civil appointment within state from governor and senate, or from general assembly, during term for which elected; any such appointment to be void. (Ill. IV 15.)

Not to receive any appointment from governor, governor and senate, or from legislature, during term for which elected. (Okla. V 23.)

Not to receive any civil appointment from governor or senate, governor and senate or from legislature during term for which elected; such appointment and vote given for such member therefor to be void. (S.D. III 12.)

Not to be appointed, during time for which elected, to any office or place of trust, appointment to which is vested in executive or general assembly, except to office of trustee of a literary institution. (Tenn. II 10.)

Not to receive any civil appointment in state from governor, from governor and senate or from legislature, or from any city government during time for which elected; such appointment and votes given therefor, to be void. (N.Y. III 7.)

Not to receive any civil appointment within state from governor (except notaries public), or from governor and senate, state legislature or any other state authority during term for which elected; such appointments and votes given for such member therefor to be void. (Mich. V 7.)

Ineligible to State Office Created During Term

No member, after qualification, notwithstanding resignation, to be eligible during whole period of time for which elected to office created or salary or profits of which increased during such term. (Md. III 17.)

Not to be appointed or elected, during term for which elected, to office or commission in state created or emoluments thereof increased during his term of office. (Okla. V 23.)

Not to be appointed, during term for which elected, to civil office under state created or emoluments of which increased during such term. (Del. II 14; Tex. III 18.)

Not to be appointed or elected, during term for which elected, to any civil office in state created or emoluments of which increased during such term. (N.D. II 39; S.D. III 12; Wash. II 13; Wis. IV 12.)

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Dual Office Holding (*Cont'd*)

Ineligible to State Office Created During Term (*Cont'd*)

Not to be appointed or elected, during time for which elected, to any civil office under constitution of this state created or emoluments of which increased during such time. (Fla. III 5.)

Not to be appointed, during term for which elected, to civil office created or emoluments of which increased during such term, except offices filled by election by people. (Ore. IV 30.)

Not to be appointed, during term for which elected, by governor or by legislature in joint meeting to civil office under authority of state created or emoluments of which increased during such time. (N.J. IV Sec. V 1.)

Not to be appointed, during term for which elected, to any office of profit created or emoluments of which increased during time in office, except to offices filled by election by people. (Miss. IV 45.)

Not to be appointed, during term for which elected, to any office of profit created or emoluments of which increased during such term, except offices filled by election by people. (Ala. IV 59.)

Not to be appointed or elected, during term for which elected, to any civil office of profit under state created or emoluments of which increased during said term. (Ariz. IV Pt. II 5; Utah VI 7.)

Not to be appointed, during term for which elected, to any civil office of profit under state created or emoluments of which increased during such term, except office filled by election by people. (Cal. IV 19; Ind. IV 30; Iowa III 21; Me. IV Pt. III 10.)

Not to be appointed or elected, during term for which elected, to any civil office of profit under state created or emoluments of which increased during such term, except offices to be filled by election by people. (W.Va. VI 15.)

Not to hold office under state created or emoluments of which increased during session of legislature of which a member, until one year after expiration of term of office. (Minn. IV 9.)

Not to be appointed, during term for which elected or for one year thereafter, to any civil office under state created or emoluments of which increased during term for which elected. (Ohio II 19.)

Not to be appointed to any civil office in state during term for which elected; nor within one year thereafter to any civil office created or emoluments of which increased during such term. (N.M. IV 28.)

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Dual Office Holding (*Cont'd*)

Ineligible to State Office Created During Term (*Cont'd*)

Not to be appointed, during term for which elected and for one year thereafter, to any civil office of profit under state created or emoluments of which increased during such term, except offices filled by election by people. (Nev. IV 8.)

Not to be appointed or elected during term for which elected nor for one year thereafter, to any civil office of profit in state created or emoluments of which increased during term, except to office filled by election of people. (Ky. 44.)

Not to be appointed or elected, during term for which elected and one year thereafter, to any civil office of profit or trust under state created or emoluments of which increased by legislature during time he was member thereof. (La. 27.)

United States Offices

No member of Congress eligible. (Ark. V 7; Colo. V 8; Conn. X 4; Del. II 14; Ill. IV 3; La. 164; Me. IV Pt. III 11; Mont. V 7; Pa. II 6; S.D. III 3; Tex. XVI 12; W.Va. VI 13; Wyo. III 8.)

No member of Congress eligible; acceptance of seat in Congress to vacate seat in legislature. (Kan. II 5; Md. III 10; Mo. IV 12; N.H. II 94; Wash. II 14; Wis. IV 13.)

No person eligible, who at time of election is, or within 100 days previous thereto has been, member of Congress; acceptance of seat in Congress to vacate seat in legislature. (N.Y. III 8.)

No person to serve who is, at time of such service, an officer of United States or is receiving compensation as such. (Okla. V 18.)

No officer of United States eligible. Acceptance of elective or appointive office under United States to vacate seat. (Kan. II 5.)

No person holding any office under United States eligible. (Mich. V 6.)

No person holding office under United States eligible during continuance in office. (Colo. V 8; Mont. V 7; Pa. II 6; Wyo. III 8.)

No person holding an office under United States eligible during continuance in office; acceptance of such office to vacate seat in legislature. (N.H. II 94.)

No person holding any office under government of the United States eligible, unless at time of oath he shall have resigned such office. (R.I. IX 6.)

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LEGISLATURE (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)
Dual Office Holding (*Cont'd*)
United States Offices (*Cont'd*)
No person holding office under United States (postmasters excepted), eligible during continuance in office. (Me. IV Pt. III 11.)
No person holding office under the United States, except officers usually appointed by the courts of justice, respectively, eligible during continuance in office. (Del. II 14.)
No person holding office under authority of the United States eligible. (Conn. X 4; Nebr. III 6; Ohio II 4; Tenn. II 26.)
No person holding any office under authority of United States eligible (postmasters excepted). (Mass. Amend. VIII.)
No person holding lucrative office under United States, eligible. (Ill. IV 3; W.Va. VI 13.)
No person holding lucrative office or appointment under United States, eligible. (Fla. III 7.)
No person holding lucrative office under United States eligible during term for which elected or appointed. (Tex. III 19.)
No person holding lucrative office under United States, eligible; acceptance of any such office to vacate seat. (Mo. IV 12.)
No person holding lucrative office under United States (postmasters excepted), eligible. (Ark. V 7.)
No person holding lucrative office or appointment under United States eligible; but office of deputy postmaster, with salary not exceeding $90 per annum, not to be deemed lucrative. (Ind. II 9.)
No person holding any lucrative office under the United States, eligible, but office of postmaster whose compensation does not exceed $100 per annum, not to be deemed lucrative. (Iowa III 22.)
No person holding a lucrative appointment or office under United States, eligible, but office of postmaster with compensation not exceeding $100 per annum not to be deemed lucrative. (Ore. II 10.)
No person holding lucrative office or office of honor or profit under United States government, eligible, except postmasters receiving annual compensation not exceeding $300. (S.D. III 3.)
No person holding office of profit under United States government, eligible; acceptance of such office to vacate seat. (N.J. IV Sec. V 3, 2.)
No person holding office of profit or trust under authority of Congress, eligible. (Vt. II 50.)

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Dual Office Holding (*Cont'd*)

United States Offices (*Cont'd*)

No person eligible who at time of qualifying holds any office of trust or profit under national government. (N.M. IV 3.)

No person holding or exercising office of trust or profit under United States, eligible. (La. 164; Tex. XVI 12.)

No person holding any office or position of profit or trust under United States, eligible; acceptance of such office or position to vacate seat. (S.C. III 24.)

No person holding any office of profit or honor under government of the United States except postmasters receiving annual compensation not exceeding $300, eligible. (N.D. II 37.)

No person holding office or place of trust or profit under United States or any department thereof, eligible. (N.C. XIV 7.)

No person holding any public office of profit or trust under authority of the United States, eligible. (Utah VI 6.)

No person holding any public office of profit or trust under authority of United States, eligible, but United States commissioner and postmaster of fourth class not disqualified. (Ariz. IV Pt. II 4.)

No person holding office or position of profit or emolument under United States government or in employ of such government, eligible. (Va. IV 44.)

No person holding any civil or military office under United States, eligible; acceptance of any such office to vacate seat. (Md. III 10; Wis. IV 13.)

No person holding military commission or other appointment or office having emolument or compensation annexed thereto under government of United States, eligible. (Ga. III Sec. IV 7.)

No person eligible, who at time of election is, or within 100 days previous thereto has been, civil or military officer under United States; acceptance of appointment to such office to vacate seat. (N.Y. III 8.)

No person holding any civil or military office under the United States, eligible; acceptance of appointment to any office civil or military under government of United States to vacate seat; but postmasters not disqualified whose compensation does not exceed $300 per annum. (Wash. II 14.)

Not to hold, during term for which elected, any office under authority of United States, except that of postmaster. (Minn. II 9.)

Not to receive appointment in senate of United States from governor, governor and senate, or legislature, during time

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Dual Office Holding (*Cont'd*)

United States Offices (*Cont'd*)

for which elected; such appointment and votes given therefor to be void. (N.Y. III 7.)

Not to receive appointment in senate of United States from governor, governor and senate, legislature or any other state authority during term for which elected; such appointment and votes given for such member therefor to be void. (Mich. V 7.)

Offices Outside State

No person holding military commission or other appointment or office having emolument or compensation annexed thereto under any other state, eligible (except justices of peace and officers of militia). (Ga. III Sec. IV 7.)

No person holding or exercising office of profit or trust under any other state or under foreign power, eligible. (Tex. XVI 12.)

No person holding any office or position of profit or trust under any other state or power eligible (except officers in militia and notaries public); acceptance or exercise of such office or position to vacate seat. (S.C. III 24.)

No person holding any office or place of trust or profit under any other state or government (except officers in militia, justices of peace, commissioners of public charities or for special purposes), eligible. (N.C. XIV 7.)

No person holding any office of honor or profit under foreign government eligible. (N.D. II 37; S.D. III 3.)

No person holding or exercising office of trust or profit under foreign power, eligible. (La. 164.)

No person holding lucrative office under foreign government eligible during term for which elected or appointed. (Ill. IV 3; S.D. III 3; Tex. III 19; W.Va. VI 13.)

No person holding any lucrative office under any other power eligible, but officers in militia to which is attached no annual salary, or office of justice of peace or notary public not to be deemed lucrative. (Iowa III 22.)

No person holding any civil or military office under any other power eligible; acceptance of such office to vacate seat. (Wash. II 14.)

Acceptance of appointment under any other government to vacate seat, except when appointed to take depositions or acknowledgments of deeds or other legal instruments by authority of any other state or country. (R.I. IX 6.)

Education

To be able to read, write, speak and understand English language sufficiently well to perform duties without aid of interpreter. (Ariz. XX 8.)

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Electoral

Right of suffrage required. (N.J. IV Sec. I 2.)

To be an elector. (Nebr. III 5.)

Qualified elector of state at time of election. (Tex. III 6, 7.)

To be an elector under constitution. (La. 24.)

Qualified elector of state (lower house). (N.C. II 8.)

Qualified voter of state. (Minn. IV 25.)

Qualified to vote for members of legislature at time of election. (Va. IV 44.)

Qualified elector of county or district represented. (Fla. III 4; Mich. V 5; Nev. IV 5; N.M. IV 3; N.D. II 28, 34; Okla. V 17; S.D. III 3.)

Qualified voter in county or district from which chosen. (Kan. II 4; Utah VI 5; Wash. II 7; Wis. IV 6.)

Duly qualified elector in county for which chosen at time of election. (S.C. III 7.)

Elector of state at time of election and elector of county or district from which chosen for at least one year preceding election. (Ida. III 6.)

Qualified elector of state for four years next before election (senate); qualified elector of state (lower house). (Miss. IV 42, 41.)

Qualified voter of state for three years next before election (senate); qualified voter of state for two years next before election (lower house). (Mo. IV 6, 4.)

Embezzlement as Disqualification

No person convicted of embezzlement of public money eligible. (Ala. IV 60; Ark. V 9; Colo. XII 4; Del. II 21; Pa. II 7.)

No person convicted of embezzlement or misuse of public funds eligible. (Kan. II 6.)

Expelled Members

Member expelled for corruption to be thereafter ineligible to either house. (Ala. IV 54; Ark. V 12; Colo. V 12; Mont. V 11; N.D. II 38; Okla. V 19; Wyo. III 12.)

Felony as Disqualification

Person convicted of, ineligible. (Okla. V 18.)

Forgery as Disqualification

Person convicted of, ineligible. (Ark. V 9.)

Former State Treasurer, Eligibility of, *See above, this subdivision*, ACCOUNTING FOR PUBLIC FUNDS.

Holding Two Offices, *See above, this subdivision*, DUAL OFFICE HOLDING.

Infamous Crime as Disqualification

Person convicted of, ineligible. (Ala. IV 60; Ark. V 9; Del. II 21; Ill. IV 4; Miss. IV 44; N.D. II 38; Pa. II 7; S.D. III 4.)

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Inhabitant

See also below, this subdivision, RESIDENCE.

Of District Represented

At time of election. (Also as to members of lower house, removal from district to vacate seat.) (N.H. II 28, 13.)

For one year next preceding election. (Cal. IV 4; Ind. IV 7; Mo. IV 4, 6; N.J. IV Sec. I 2; Ore. IV 8.)

For one year next preceding election unless absent on public business of United States or of this state. (Del. II 3; Pa. II 5.)

Of State

For one year next preceding election. (Iowa III 4, 5.)

For two years next preceding election. (Ind. IV 7.)

For three years next before election. (Cal. IV 4.)

For three years next preceding election, unless absent on public business of United States or of this state. (Del. II 3.)

For four years next before election, unless absent on public business of United States or of this state. (Pa. II 5.)

For four years next before election (senate); for two years next before election (lower house). (N.J. IV Sec. I 2.)

For seven years immediately preceding election (senate); for two years next preceding election (lower house). (N.H. II 28, 13.)

Interest in Contract as Disqualification

No person interested in contract with or unadjusted claim against state to be eligible. (Nebr. III 6.)

No person eligible while concerned in any army or navy contract. (Del. II 14.)

Ministers of Gospel Ineligible

No minister of gospel or priest of any denomination eligible. (Tenn. IX 1.)

No minister or preacher of gospel or of any religious creed or denomination, eligible. (Md. III 11.)

Oath of Office, *See above, this title,* MEMBERS—OATH OF OFFICE.

Perjury as Disqualification

Person convicted of, ineligible. (Ala. IV 60; Del. II 21; Ill. IV 4; Miss. IV 44; N.D. II 38; Pa. II 7; S.D. III 4.)

Person convicted of, or of subornation of perjury, ineligible. (Colo. XII 4.)

Member convicted of having sworn falsely to and violated oath of office, to be disqualified thereafter. (S.D. III 8.)

Railroad Officer Ineligible

No salaried officer of any railroad company eligible. (W.Va. VI 13.)

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LEGISLATURE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)

Residence

See also above, this subdivision, INHABITANT.

In District Represented

During term of office. (Okla. V 17; Pa. II 5.)

Removal of residence therefrom to vacate seat. (Mich. V 5; Mo. IV 13.)

Permanent change of residence therefrom to vacate seat. (Fla. III 8.)

At time of election. (Kan. II 4.)

At time of election; removal therefrom to vacate office. (Va. IV 44.)

To have had actual residence of 60 days at time of election. (Iowa III 4, 5.)

For three months next preceding election; to continue to be resident thereof during term for which elected. (Me. IV Pt. I 4, Pt. II 6.)

For six months immediately preceding election. (Minn. IV 25.)

For one year next preceding election. (Ariz. IV Pt. II 2; Ark. V 4; Colo. V 4; Ky. 32; Md. III 9; Mont. V 3; N.C. II 7, 8; Tenn. II 9, 10; Utah VI 5; Wyo. III 2.)

For one year next preceding election unless absent on public business of United States or of this state. (Ohio II 3.)

For one year next preceding election; removal therefrom to vacate seat. (Ga. III Sec. V 1, Sec. VI 1, Sec. IV 8; Tex. III 6, 7, 23; W.Va. VI 12.)

For one year next before election, unless absent upon public business of United States or of this state; removal from district to vacate seat. (Nebr. III 5.)

For one year next before election, or, if not so long established, then of county or district from which same taken. Members to reside in respective counties or districts during term of office. (Ala. IV 47.)

To be of the freemen of county from which elected (senate); of town from which elected for one year (lower house). (Vt. II 15, 18.)

At time of election (senate); for one year next preceding election (lower house). Seat in either house to be vacated on removal from district. (Mass. Amend. 32, 31.)

For two years next preceding election. (Ill. IV 3.)

For two years immediately preceding election; seat to be vacated on removal therefrom. (Miss. IV 42, 41.)

For two years immediately preceding election; change of residence from such district to vacate seat, declaration of retention of domicile to the contrary notwithstanding. (La. 24.)

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LEGISLATURE (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS OF MEMBERS (*Cont'd*)
Residence (*Cont'd*)
In State
For one year. (Wis. IV 6.)
For one year next preceding election. (Ark. V 4; Me. II Pt. I 4, Pt. II 6; Minn. II 25.)
For two years. (Vt. II 62.)
For two years next preceding election. (Ark. V 4; N.D. II 28, 34; S.D. III 3.)
For two years (lower house). (Utah VI 5.)
For two years immediately preceding election (senate). (N.C. II 7, 8.)
For three years next preceding election. (Ala. IV 47; Ariz. IV Pt. II 2; Md. III 9; N.M. IV 3; Utah VI 5.)
For three years immediately preceding election (senate). (Tenn. II 9, 10.)
For five years. (Ill. IV 3.)
For five years (senate). (Mass. Amend. 32.)
For five years next preceding election (senate); for two years next preceding election (lower house). (Tex. III 6, 7, 23.)
For six years next preceding election (senate); for two years next preceding election (lower house). (Ky. 32.)
Sex
Male. (Iowa III 4; Mo. IV 5, 6.)
Suffrage, *See above, this subdivision,* ELECTORAL.
Taxpayer
To have paid state and county tax within one year next preceding election. (Mo. IV 4, 6.)
United States Office Holder, *See above, this subdivision,* DUAL OFFICE HOLDING.
QUORUM
Adjournment by Governor in Absence of, *See above, this title,* ADJOURNMENT.
Number Required
Majority of each house. (Ala. IV 52; Ariz. IV 9; Cal. IV 8; Colo. V 11; Conn. III 7; Del. II 8; Fla. III 11; Ga. III Sec. IV 4; Ida. III 10; Iowa III 8; Kan. II 8; Ky. 37; La. 34; Me. IV Pt. III 3; Mass. Amend. XXXIII; Mich. V 14; Minn. IV 3; Miss. IV 54; Mont. V 10; N.J. IV Sec. IV 2; N.M. IV 7; N.Y. III 10; N.D. II 46; Okla. V 30; Pa. II 10; R.I. IV 6; S.C. III 11; S.D. III 9; Utah VI 11; Wash. II 8; Wis. IV 7; Wyo. III 11.)
Majority of each house (except when raising state tax, when two-thirds of members elected is necessary). (Vt. II 14, 19.)
Majority of members elected to each house. (Ill. IV 9; Md. III 20; Nebr. III 7; Nev. IV 13; Ohio II 6; Va. IV 46; W.Va. VI 21.)

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LEGISLATURE (*Cont'd*)

QUORUM (*Cont'd*)

Number Required (*Cont'd*)

Majority of whole number of members of each house. (Mo. IV 18; N.C. II 2.)

Two-thirds of each house. (Ind. IV 11; Ore. IV 12; Tex. III 10.)

Two-thirds of all members to which each house entitled. (Tenn. II 11.)

In senate, 13 members, and when less than 16 present, assent of at least 10 necessary to render acts and proceedings valid; in lower house, majority of members, but when less than two-thirds of members elected are present, assent of two-thirds of that number necessary to render acts and proceedings valid. (N.H. II 36, 19.)

Powers of Smaller Number

May adjourn from day to day and compel attendance of absent members. (Colo. V 11; La. 34; Mass. Amend. 33; Pa. II 10.)

May meet, adjourn from day to day and compel attendance of absent members. (Ind. IV 11; Ore. IV 12.)

May meet, adjourn from day to day and compel attendance of absent members in such manner and under such penalties as each house may prescribe. (Ariz. IV Pt. II 9.)

May effect temporary organization, adjourn from day to day and compel attendance of absent members. (N.M. IV 7.)

May adjourn from day to day and compel attendance of absent members in such manner and under such penalties as may be prescribed. (R.I. IV 6.)

May adjourn from day to day and compel attendance of absent members in such manner and under such penalties as each house may provide. (Ala. IV 52; Ark. V 11; Cal. IV 8; Conn. III 7; Fla. III 11; Ga. III Sec. IV 4; Ida. III 10; Iowa III 8; Me. IV Pt. III 3; Md. III 20; Mich. V 14; Minn. IV 3; Miss. IV 54; Mo. IV 18; Mont. V 10; Nev. IV 13; N.J. IV Sec. IV 2; Okla. V 30; S.D. III 9; Tex. III 10; Utah VI 11; Va. IV 46; Wash. II 8; Wis. II 7; Wyo. III 11.)

May adjourn from day to day and to be authorized to compel attendance of absent members, as each house may provide. (W.Va. VI 24.)

May adjourn from day to day, and to be authorized by law to compel attendance of absent members in such manner and under such penalties as may be prescribed by law. (Ky. 37.)

May adjourn from day to day and compel attendance of absent members in such manner and under such penalties as prescribed by law. (N.D. II 46; Ohio II 6.)

May adjourn from day to day and may compel attendance of absent members in such manner and under such penalties as prescribed by law or rule. (S.C. III 11.)

May adjourn from day to day, and may be authorized by law to compel attendance of absent members. (Tenn. II 11.)

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LEGISLATURE (*Cont'd*)
QUORUM (*Cont'd*)
Powers of Smaller Number (*Cont'd*)
May adjourn from day to day and to have power to compel attendance of absent members in such manner and under such penalties as deemed expedient. (Del. II 8.)
RELIGIOUS SERVICE IN
No money to be appropriated for payment of in either house. (Mich. V 26; Ore. I 25.)
RULES, ADOPTION OF
Each house to establish its own rules. (Kan. II 8.)
Each house to determine rules of its proceedings. (Ala. IV 53; Ariz. IV 8; Ark. V 12; Cal. IV 9; Colo. V 12; Conn. III 8; Del. II 9; Fla. III 6; Ida. III 9; Ill. IV 9; Ind. IV 10; Iowa III 9; Ky. 39; La. 25; Md. III 19; Me. IV Pt. III 4; Mass. Pt. II Ch. I Sec. II 7, Sec. III 10; Mich. V 15; Minn. IV 4; Miss. IV 55; Mont. V 11; Nebr. III 7; Nev. IV 6; N.H. II 21, 36; N.J. IV Sec. IV 3; N.M. IV 11; N.Y. III 10; N.D. II 48; Okla. V 30; Ore. IV 11; Pa. II 10; R.I. IV 7; S.C. III 12; Tenn. II 12; Tex. III 11; Utah VI 12; Va. IV 47; Vt. II 19; Wash. II 9; W.Va. VI 24; Wis. IV 8; Wyo. III 12.)
Each house may determine rules of own proceedings except as herein provided. (Mo. IV 17; Ohio II 8; S.D. III 9.)
Each house to determine rules of its proceedings but not to adopt any rule that will prevent majority of members elected from discharging committee from further consideration of any measure. (Mich. IV 15.)
SESSIONS
Adjournment, *See above, this title*, ADJOURNMENT.
Attendance of Members, Compelling, *See above, this title*, QUORUM — POWERS OF SMALLER NUMBER.
Special Sessions, *See below, this subdivision*, SPECIAL SESSIONS.
Calling to Order
By oldest member present, who presides until president of senate or speaker of house chosen and seat taken. (W. Va. VI 24.)
Senate, by lieutenant-governor; lower house, by secretary of state, who preside until election of speaker. (N.M. IV 8.)
If lieutenant-governor not present in senate, secretary of state to preside until president *pro tem* elected. Senior member from town of Newport to preside in organization of lower house. (R.I. V 2; Amend. XIV 2.)
Secretary of state to call lower house to order at opening of new assembly and preside until temporary presiding officer chosen and seat taken. (Ill. IV 9; Nebr. III 7.)
English Language
Proceedings to be conducted in no other than. (Cal. IV 24; La. 165; Mich. XVI 6.)
Frequency
Annual (Ga. III Sec. IV 3; N.J. IV Sec. I 3; N.Y. X 6; R.I. Amend. XI 1; S.C. III 9.)

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LEGISLATURE (*Cont'd*)

SESSIONS (*Cont'd*)

Frequency (*Cont'd*)

Annual, and at such other times as legislature may judge necessary. (Conn. III 2; Mass. Amend. X.)

Biennial. (Ariz. IV 3; Ark. V 5; Cal. IV 2; Del. II 4; Fla. III 2; Ida. III 8; Ind. IV 9; Iowa III 2; Kan. II 25; Ky. 36; La. 23; Me. IV Pt. III 1; Md. III 14; Mich. V 13; Minn. IV 1; Miss. IV 36; Mo. IV 20; Mont. V 6; Nebr. III 3; Nev. IV 2; N.H. II 3; N.C. II 2; N.D. II 55; Ohio II 25; Okla. V 27; Ore. IV 10; Pa. II 4; S.D. III 2; Tex. III 5; Utah VI 2; Vt. II 7; Va. IV 46; Wash. II 12; W.Va. VI 18; Wis. IV 11; Wyo. III 7.)

Quadrennial. (Ala. IV 48.)

To meet in year next ensuing election of members. (S.D. III 7.)

Ought frequently to assemble. (Md. D.R. 12; Mass. Pt. I 22; S.C. I 3.)

Legislative Day

To be construed to mean a calendar day. (Ky. 42.)

Not to be shorter than natural day. (N.D. II 63.)

Length

For limitation of per diem of members to certain number of days of session, See above, this title, MEMBERS — COMPENSATION — SALARY.

Not to exceed 40 days. (Wyo. III 6.)

No longer than 45 days without concurrence of two-thirds of members elected to each house. (W.Va. VI 22.)

Not to exceed 50 days. (Ala. IV 48.)

Not to exceed 50 days unless impeachment trial pending at end of that period, when session may be prolonged until end of trial. (Ga. III Sec. IV 3.)

"May extend to 60 days". (Fla. III 2.)

To be not less than 60 days (except special sessions). (Nebr. III 4.)

Not to exceed 60 days. (La. 23; Mont. V 25; Nev. IV 29; N.M. IV 5; Wash. II 12.)

Not to exceed 60 days, but with concurrence of three-fifths of members elected to each house may be extended not exceeding 30 days.) (Va. IV 46.)

Not to exceed 60 days unless by vote of two-thirds of members elected to each house; limitation does not apply to sessions when impeachments are pending. (Ark. V 17.)

Not to extend beyond 60 legislative days, exclusive of Sundays and legal holidays; limitation not to apply to senate when sitting as a court of impeachment. (Ky. 42.)

Not to exceed 60 days except in cases of impeachment. (N.D. II 56; S.D. III 6; Utah VI 16.)

Not to exceed 61 days. (Ind. IV 29.)

Not to exceed 90 days. (Colo. V 6; Md. III 15.)

Not to exceed 90 legislative days. (Minn. IV 1.)

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LEGISLATURE (*Cont'd*)

SESSIONS (*Cont'd*)

Length (*Cont'd*)

To be dissolved on day next preceding date of next regular session without proclamation or other act of governor. (Mass. Amend. X.)

To dissolve and be dissolved seven days before date of beginning of next regular session. (N.H. II 3.)

Minutes

When practicable, minutes of each session to be printed and placed in hands of members on day following. (La. 30.)

Open to Public, *See above, this title*, PROCEEDINGS PUBLIC.

Organization

Mode of organizing lower house at commencement of each regular session to be prescribed by law. (Ohio II 7.)

May be regulated by law subject to limitations contained in constitution. (R.I. IV 6.)

Organize, Failure to

In case of, within four days after quorum present, members entitled to no compensation from end of said four days until organization effected. (Ida. III 10.)

In case of, within five days after quorum present, members to receive no compensation from end of said five days until organization effected. (Ind. IV 11; Ore. IV 12.)

Place

General Rule

Seat of government. (Ark. V 5; Conn. Amend. XIV; Fla. III 1; Ky. 36; La. 23; Md. D.R. 11; Mich. V 13; Minn. IV 1; Mont. V 6; Nev. IV 1; N.M. IV 1; N.D. II 53; Okla. V 26; S.C. III 9; S.D. III 7; Tex. III 58; Utah VI 2; W.Va. VI 18; Wis. IV 11; Wyo. III 7.)

State capital. (Del. II 5; Ida. III 8; Kan. II 25; Ore. IV 10.)

State capital, unless different place appointed by law. (Ind. IV 9.)

At capital. (Ala. IV 48; Ariz. IV 3.)

Exceptions

Ought not to be convened or held at other place than seat of government but from evident necessity. (Md. D.R. 11.)

In case of insurrection, conflagration or epidemic disease, may temporarily meet and sit elsewhere. (Del. II 5.)

In case of war, insurrection or pestilence, by permission of governor may assemble elsewhere for time being. (Ky. 36.)

Governor may convene at another place when in his opinion it cannot safely assemble at seat of government. (W.Va. VI 21.)

In case of special emergency governor may convene to place other than seat of government. (Conn. Amend. XIV.)

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LEGISLATURE (*Cont'd*)

SESSIONS (*Cont'd*)

Place (*Cont'd*)

Exceptions (*Cont'd*)

Governor may convoke at another place when, in his opinion, public safety or welfare, or safety or health of members require, but two-thirds of all members elected to each house must concur. (Okla. VI 14.)

Governor may convene, or remove after convened, to another place, or may designate another place for sitting of houses or either of them, if for any cause it is impossible or dangerous to meet or remain at capitol. (Ala. IV 48.)

In case of danger by prevalence of contagious disease or other circumstance, governor may convene at place other than seat of government. (Conn. III 2.)

If seat of government unsafe because of presence of enemy or other cause, governor may direct session to be held at some other convenient place. (Md. II 16.)

Governor may convene at some other place if seat of government dangerous from disease or common enemy. (Ind. V 20; Mich. VI 8; S.C. III 9; Wis. V 4.)

If since last adjournment place where next meeting to be held becomes dangerous from enemy or contagious sickness, governor may direct session to be held at some other convenient place within state. (Me. V 13.)

In case of danger from epidemic or contagious disease in regular place of meeting or to which legislature may have adjourned, or for other urgent reason, governor may by proclamation convene at any other place within state. (R.I. VII 7.)

If infectious distemper prevails in place where legislature is to convene or any other thing endangering health or lives of members, governor may direct session to be held at some other place most convenient within state. (Mass. Pt. II Ch. II Sec. I 5; N.H. II 42.)

May, in case of invasion or violent epidemics, be adjourned to place other than seat of government, such removal to continue only so long as necessity for same exists. (Fla. XVI 10.)

Presiding Officer, *See above, this title,* "OFFICERS" *and* "PRESIDENT OF SENATE", *and below, this title,* SPEAKER OF HOUSE.

Preventing Disturbance of Business

For the power to punish a person obstructing proceedings, *See above, this title,* CONTEMPTS.

Each house may provide for own safety and undisturbed transaction of business. (Ohio II 8; W.Va. VI 26.)

Purpose

To assemble for redress of public grievances and for making such laws as public good may require. (N.H. I 31.)

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LEGISLATURE (*Cont'd*)
SESSIONS (*Cont'd*)
Purpose (*Cont'd*)
Ought frequently to assemble for redress of grievances, correcting, strengthening and confirming laws, and for making new laws, as common good may require. (Mass. Pt. I 22.)
Ought to be frequently convened for redress of grievances, and for amending, strengthening and preserving the laws. (Md. D.R. 12.)
Ought frequently to assemble for redress of grievances and making new laws, as common good may require. (S.C. I 3.)
Separate
Two houses to meet separately. (N.J. IV Sec. I 3.)
Time of Beginning
As may be prescribed by law. (Minn. IV 1; Tex. III 5; Wis. IV 11.)
First Monday of January. (Ohio II 25.)
Twelve o'clock noon, on first Monday of January. (Mont. V 6.)
First Monday in January next ensuing election. (Tenn. II 8.)
Twelve o'clock noon, on first Monday after first day of January next succeeding election. (Cal. IV 2.)
First Monday after the first day of January, unless different day appointed by law. (Ida. III 8.)
First Tuesday of January. (Del. II 4; R.I. Amend. XI 1.)
First Tuesday of January, twelve o'clock noon. (Pa. II 4.)
Twelve o'clock noon, on first Tuesday in January in year next ensuing election of members. (Nebr. III 7.)
First Wednesday of January. (Me. IV Pt. III 1; Mass. Amend. X; Mich. V 13; N.H. II 3; N.Y. X 6.)
First Wednesday in January at twelve o'clock noon. (Colo. V 7.)
First Wednesday after the first day of January next after election of members. (Mo. IV 20.)
First Tuesday after first Monday in January. (Ky. 36; Miss. IV 36.)
First Tuesday after first Monday in January at twelve o'clock noon, in year next following election of members. (N.D. II 53; S.D. III 7.)
First Tuesday after first Monday in January at twelve o'clock noon, in year next succeeding the election, or upon such other day as may be provided by law. (Okla. V 26.)
First Wednesday after the first Monday in January. (N.C. II 2; Vt. II 7.)
First Wednesday after first Monday in January, but may be changed by legislature. (Wash. II 12.)
Wednesday following first Monday in January next succeeding election. (Conn. Amend. XXVII 4.)
At twelve o'clock noon on Wednesday next after first Monday in January in year following election of members. (Ill. IV 9.)

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LEGISLATURE (*Cont'd*)

SESSIONS (*Cont'd*)

Time of Beginning (*Cont'd*)

Thursday next after first Monday of January, unless different day appointed by law. (Ind. IV 9.)

Second Monday of January next after election of members. (Ariz. IV Pt. II 3.)

Second Monday in January next after election of members of lower house. (Utah VI 2.)

Second Monday in January next ensuing election, unless governor in meantime convene by proclamation. (Iowa III 2.)

Second Tuesday in January. (Kan. II 25; S.C. III 9.)

Twelve o'clock noon, on second Tuesday of January next after election. (N.M. IV 5; Wyo. III 7.)

Second Tuesday in January succeeding election, but legislature may alter. (N.J. IV Sec. I 3.)

Second Tuesday in January next succeeding election or such other day as may be prescribed by law. (Ala. IV 48.)

Second Wednesday of January. (W.Va. VI 18.)

Third Monday in January next ensuing election, unless governor in meantime convene by proclamation. (Nev. IV 2.)

First Tuesday after first Monday in April. (Fla. III 2.)

Second Monday in May at twelve o'clock noon. (La. 23.)

Second Wednesday in June next succeeding election of members of lower house. (Va. IV 46.)

Second Monday of September, unless different day appointed by law. (Ore. IV 10.)

Fourth Wednesday in October until changed by law. (Ga. III Sec. IV 3.)

First Tuesday after the second Monday of November, until altered by law. (Ark. V 5.)

Special Sessions

Convening of

Legislature may assemble at such other times as it may judge necessary. (N.H. II 3.)

Legislature to meet in special session first Tuesday after first Monday, Jan. 1894, and every four years thereafter, unless sooner convened by governor. (Miss. IV 36.)

Governor may convene. (N.M. IV 6; Wis. IV 11.)

Governor may convene when necessary. (Vt. II 20.)

Governor may convene at time before that to which adjourned or prorogued, if welfare of state requires. (Mass. Pt. II Ch. II Sec. I 5; N.H. II 49.)

Governor may convene by proclamation. (Fla. III 2.)

Governor may by proclamation convene at any time if in his opinion public welfare requires. (Ind. IV 9.)

Governor may convene on extraordinary occasions. (Ariz. V 4; Conn. III 2; Ga. V Sec. I 13; Kan. II 5; La. 75; Me. V Pt. I 13; Mich. VI 7; Minn. V 4; N.D. III 75; R.I. VII 7; S.C. IV 16; W.Va. VII 7; Wis. V 4; Wyo. IV 4.)

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LEGISLATURE (*Cont'd*)
SESSIONS (*Cont'd*)
Special Sessions (*Cont'd*)
Convening of (*Cont'd*)
Governor may convene on extraordinary occasions by proclamation. (Iowa IV 11; Nev. V 9; Ore. V 12.)
Governor may convene on extraordinary occasions by proclamation stating purpose of meeting. (Ala. V 122; Ariz. IV Pt. II 3; Ark. VI 19; Cal. V 9; Fla. IV 8; Ill. V 8; Ky. 80; Miss. V 121; Mo. V 9; Nebr. V 8; Ohio III 8; Tenn. III 9; Tex. IV 8; Wash. III 7.)
Governor, with advice of council, may convene on extraordinary occasions by proclamation stating purpose of meeting. (N.C. III 9.)
Governor to convene on application of two-thirds of members of both houses or when in his opinion interests of state require. (Va. V 73.)
Governor may convene by proclamation whenever in his opinion public safety or welfare requires; to be his duty to convene on application, in writing, of three-fifths of members elected to each house. (W.Va. VI 19.)
Governor may convene legislature or senate alone on extraordinary occasions. (Md. II 16; N.Y. IV 4; Okla. VI 7, V 27.)
Governor may convene legislature, or senate alone, whenever in his opinion public necessity requires. (N.J. V 6.)
Governor may convene legislature by proclamation on extraordinary occasions or may by proclamation convene senate on extraordinary occasions for transactions of executive business. (Del. III 16; Pa. IV 12.)
Governor may convene on extraordinary occasions by proclamation stating purpose; or he may convene senate alone on extraordinary occasions for transaction of executive business. (Colo. IV 9; Ida. IV 9; Mont. VII 11; Utah VII 6, 7.)

Length
For limitation of per diem of members to certain number of days of session, see above, this title, MEMBERS — COMPENSATION — SPECIAL SESSIONS.
Not to exceed 20 days. (Fla. III 22; Ida. III 23; Nev. IV 29; Ore. IV 29.)
Not to exceed 30 days. (Ala. IV 76; Md. III 15; N.M. IV 5; Tex. III 40; Utah VI 16.)
Not to continue longer than 30 days unless governor, deeming public interest to require it, shall extend sitting by proclamation in writing, to be sent to and entered upon journals of each house, for specific number of days, and then it may continue in session to expiration of that time. (Miss. IV 36.)

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LEGISLATURE (*Cont'd*)

SESSIONS (*Cont'd*)

Special Sessions (*Cont'd*)

Length (*Cont'd*)

To be limited by governor but not to exceed 30 days; legislation after such time to be void. (La. 75.)

Not to exceed 40 days. (Ind. IV 29.)

Place

Governor may convene on extraordinary occasions at any town or city in state. (R.I. VII 7.)

At seat of government or different place if that dangerous from enemy or contagious disease. (Ark. VI 19; Ky. 80; La. 75; Miss. V 121.)

Governor may convene at different place if seat of government in possession of public enemy or in case of prevalence of disease. (Tex. IV 8.)

Governor may convene at seat of government or at different place if, since last adjournment, that shall have become dangerous from enemy, insurrection or other lawless outbreak, or from infectious or contagious disease. (Ala. V 122.)

Scope

Governor to state to both houses when assembled the purpose for which convened. (Iowa IV 11; Ore. V 12.)

No subject to be acted upon except such as governor may recommend. (N.Y. IV 4; Okla. VI 7.)

No business to be transacted except that necessary to accomplish special purposes for which convened. (Wis. IV 11.)

No business to be transacted other than that specified in proclamation convening. (Colo. IV 9; Ill. V 8; Nebr. V 8; N.M. IV 6; W.Va. VII 7.)

No subjects to be considered other than those mentioned in proclamation convening. (Ky. 80.)

To enter on no legislative business except that for which specifically called together. (Tenn. III 9.)

No laws to be enacted except such as relate to subject mentioned in call. (Ariz. IV Pt. II 3.)

To be no legislation on subjects other than those designated in proclamation convening. (Ga. V Sec. I 13; Ky. 80; Pa. III 25.)

Power to legislate limited to objects specially enumerated in proclamation convening; legislation on other objects to be void. (La. 75.)

To legislate on no subjects other than those specified in proclamation, but may provide for expenses of session and other matters incidental thereto. (Cal. V 9; Ida. IV 9.)

To be no legislation upon subjects other than those designated by proclamation calling such session, except by vote of two-thirds of each house. (Ala. IV 76.)

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LEGISLATURE (*Cont'd*)
SESSIONS (*Cont'd*)
Special Sessions (*Cont'd*)
Scope (*Cont'd*)
To transact no legislative business other than that for which convened, or such other business as governor may call to its attention while in session, except by two-thirds vote of each house. (Fla. IV 8.)
To be no legislation on subjects other than those designated in proclamation convening, or presented by governor. (Tex. III 40.)
To transact no legislative business except that for which convened, or such other as governor may call to attention while in session. (Nev. V 9.)
To act upon no subject other than that designated in proclamation by which convened or recommended by special message of governor after convening. (Mo. IV 55.)
No bill to be passed on subject other than expressly stated in proclamation convening or submitted by special message. (Mich. IV 22.)
No power to legislate on subjects other than those specified in proclamation convening or which may be recommended by governor, but may provide for expenses of session and other matters incidental thereto. (Mont. VII 11; Utah VII 6.)
No business to be transacted except that named in proclamation convening, or in subsequent public proclamation or message issued by governor during session; but legislalature may provide for expenses of session and other matters incidental thereto. (Ohio III 8.)
To have no power to consider or act upon subjects other than those designated in proclamation by which convened, except impeachment and examination into accounts of state officers; but may act on such other matters as governor may in writing submit while in session. (Miss. V 121.)
No other business to be transacted until that specified in proclamation convening is disposed of, after which, by vote of two-thirds of all members elected to both houses entered upon journals, legislature may remain in session not exceeding 15 days. (Ark. VI 19.)
No business to be considered "but appropriation and revenue bills, except such other matters as may be acted upon at extraordinary session, called by governor". (Miss. IV 36.)

SPEAKER OF HOUSE
Compensation
In General
To receive same compensation and mileage as member. (Mich. V 10.)

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LEGISLATURE (*Cont'd*)
SPEAKER OF HOUSE (*Cont'd*)
Compensation (*Cont'd*)
In General (*Cont'd*)
Five dollars a day during session for period not exceeding 60 days; no compensation for longer session; for special session same compensation for period not exceeding 30 days. (Del. II 15.)
Presiding officer to receive $6 a day and mileage. (N.C. II 28.)
Not to exceed $7 a day. (Ga. III Sec. IX 1.)
Ten dollars for each day's actual attendance and same mileage as member. (R.I. Amend. XI 1.)
Two dollars a day additional allowance, during time in actual attendance as presiding officer. (Nev. IV 33; W.Va. VI 33.)
Presiding officer to receive additional compensation at rate of $3 per diem. (Md. III 15.)
Additional allowance equal to one-third allowance as member. (N.J. IV Sec. IV 7.)
Presiding officer to receive additional compensation equal to one-half per diem allowance as member. (Ida. III 23.)
Presiding officer to receive additional compensation equal to two-thirds of per diem allowance as member. (Ore. IV 29.)
Two hundred fifty dollars. (N.J. II 14.)
When Acting as Governor
Same as that of governor. (Ala. V 129; Me. V Pt. I 14; Miss. V 131; Mo. V 17; N.J. V 12, 14.)
Duties
To be presiding officer. (Fla. III 6.)
Election
To be chosen by lower house. (Ky. 34; Me. IV Pt. I 7; Mass. Pt. II Ch. I Sec. III 10; N.H. II 21; N.J. IV Sec. IV 3; Okla. V 29; R.I. V 2; Tenn. II 11; Vt. II 14; Va. IV 47.)
By lower house from among its members. (Colo. V 10; Del. II 7; Mont. V 9; N.M. IV 8; N.D. II 36; Pa. II 9; Wyo. III 10.)
To be elected *viva voce* from lower house. (Ga. III Sec. VI 2.)
Lower house to elect presiding officer. (Minn. IV 5; N.C. II 18.)
By lower house when assembled. (Conn. III 7; Tex. III 9.)
By lower house at convening of each regular session. (Fla. III 6.)
By lower house at beginning of each regular session and whenever vacancy may occur. (Ark. V 18.)
By lower house at beginning of each regular session and at such other times as may be necessary. (Ala. IV 51; Okla. V 29.)
Succession to Office of Governor, *See* GOVERNOR.
Term of Office
Until successor elected and qualified. (Ala. IV 51.)

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LEGISLATURE (*Cont'd*)
SPEAKER OF HOUSE (*Cont'd*)
When Acting as Governor
Not to hold office in house. (Me. V Pt. I 14; N.H. II 48.)
SUPPLIES FOR, *See* PUBLIC CONTRACTS — SPECIAL CONTRACTS.
VACANCIES
Appointment to Supply
No person to be appointed. (Ky. 152.)
Vacancies occurring prior to any general election to be filled by appointment as prescribed by constitution or by general law; such appointment to expire when person elected at next general election qualifies. (W.Va. IV 7.)
Election to Supply
To to be filled by election. (Kan. II 9.)
To be filled by election, as directed by law. (Ohio II 11.)
To be filled by special election, as prescribed by law. (Ky. 152; Wyo. III 4.)
To be filled by new election as provided by legislature. (R.I. Amend. XI 6.)
Legislature may prescribe manner of filling vacancies in senate. (Vt. II 37.)
To be filled by election at time designated by governor. (N.M. IV 4.)
Governor to issue writ of election. (Ala. IV 46; Ark. V 6; Ga. V Sec. I 13; Ind. V 19; La. 23; Mich. VI 6; Minn. IV 17; Miss. IV 77; Mo. IV 14; Nev. IV 12; N.D. II 44; Okla. V 20; Ore. V 17; S.D. III 10; Tenn. II 15; Utah VI 13; Wash. II 15; Wis. IV 14.)
Governor, or person exercising function of governor, to issue writs of election. (Cal. IV 12; Colo. V 2; Ill. IV 2; Iowa III 12; Mont. V 45.)
Governor to issue writs of election under regulations prescribed by law. (N.C. II 13.)
Governor or person exercising power of governor to issue writs of election; in case of his failure so to do within 20 days after vacancy occurs, retiring officer of district in which vacancy may have happened may order election. (Tex. III 13.)
Presiding officer of house in which vacancy occurs to issue writ of election. (Pa. II 2.)
Each house to direct writs of election; during recess, governor may issue writs under such regulations as may be prescribed by law. (N.J. IV Sec. IV 1; Va. IV 47.)
If vacancies occur from neglect to choose member on day of election or from refusal of elected member to qualify and take seat, or from any other cause, writ of election to be issued by president of senate or speaker of house as case may be. (S.C. III 25.)
If vacancy by reason of failure to elect, ineligibility or otherwise, writ of election to be issued by presiding officer of house in which vacancy exists, or in case of necessity in such other

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LEGISLATURE (*Cont'd*)

VACANCIES (*Cont'd*)

Election to Supply (*Cont'd*)

manner as provided by law; if legislature not in session, governor may issue writ of election to be executed by officer of either house. (Del. II 6.)

Warrant of election to be issued by speaker of house or president of senate as case may be and at least 10 days' notice of election to be given; if vacancy occur during recess and more than 10 days before its termination, governor to issue warrant of election. Unless session of legislature may interfere, election for vacancy to be held on day of ensuing election for members of legislature. (Md. III 13.)

Vacancies in senate to be filled by immediate election provided for by proclamation of governor; vacancies in lower house to be filled by new election. (Me. IV Pt. II 5; Pt. I 6.)

In senate, except from failure to elect, to be filled by new election upon requisition of governor as soon as may be after vacancy happens; in lower house, to be filled from time to time in same manner as biennial elections are made. (N.H. II 33, 15.)

Vacancies in senate to be filled by election by people of unrepresented district upon order of majority of senators elected. (Mass. Amend. 24.)

Term of Office of Successor

Unexpired term. (Ala. IV 46; Del. II 6; Kan. II 9; La. 23; Miss. IV 77; N.J. IV Sec. II 2; Ohio II 11; Pa. II 2; S.C. III 25; W.Va. IV 7; Wyo. III 4.)

Remainder of term and until successor elected and qualified. (R.I. Amend. XI 6.)

VOTING

For Other Members Prohibited

No member to vote for any other member for any office whatever, except as provided in constitution. (Tex. III 18.)

Not to be Questioned for

No member to be questioned in any other place for any vote cast in either house. (N.M. IV 13.)

Upon Executive Nomination

By ayes and noes, to be entered upon journal. (Colo. IV 6; Pa. IV 8.)

In Elections, *See above, this title,* ELECTIONS BY.

In Dispensing with Printing of Bills, *See* LEGISLATIVE PROCEDURE — PRINTING OF BILLS.

In Dispensing with Reading of Bills, *See* LEGISLATIVE PROCEDURE — READING OF BILLS.

Interest in Pending Bill as Disqualification, *See above, this title,* MEMBERS — INTEREST IN BILL, PERSONAL OR PRIVATE.

On Adopting Report of Committee of Conference, *See* LEGISLATIVE PROCEDURE — REFERENCE TO COMMITTEE.

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LEGISLATURE (*Cont'd*)
VOTING (*Cont'd*)
On Amendments to Bills, *See* LEGISLATIVE PROCEDURE — AMENDMENT OF BILLS.
On Passage of Bills, *See* LEGISLATIVE PROCEDURE — PASSAGE OF BILLS.
On Passage of Bills over Veto, *See* LEGISLATIVE PROCEDURE — PASSAGE OVER VETO.
Yeas and Nays on Any Question
To be entered on journal. (Minn. IV 5.)
To be entered on journal at desire of any members present. (Fla. III 12.)
To be entered on journal upon motion of any one member. (Del. II 10; N.H. II 23.)
To be entered on journal at desire of any two members. (Ariz. IV Pt. II 10; Colo. V 13; Iowa III 10; Ky. 40; Mont. V 12; Nebr. III 8; Ohio II 9; Pa. II 12; Wyo. III 13.)
To be taken and entered on journal on motion of any two members; whole list of members to be called and names of absentees noted and published in journal. (Mo. IV 42.)
To be entered on journal at request of any two members together with names of members demanding same; but on motion to adjourn, one-tenth of members present necessary to order yeas and nays. (Ind. IV 12; Ore. IV 13.)
To be entered on journal at desire of any three members present. (Cal. IV 10; Ida. III 13; Nev. IV 14; Tex. III 12.)
To be entered on journal at request of any five members. (Ark. V 12; Tenn. II 21; Utah VI 14.)
To be entered on journal at call of any five members in lower house or one in senate. (Md. III 22.)
To be entered on journal in lower house when required by five members and in senate by one member (except where votes taken by ballot), in which case every member of either house to have right to insert reasons of vote upon minutes. (Vt. II 9.)
To be taken and entered on journal in lower house at request of five members and in senate at request of two members. (Ill. IV 10.)
To be entered on journal at desire of 10 members of lower house or five members of senate. (S.C. III 22.)
To be entered on journal at desire of one-fifteenth of those present. (Okla. V 30.)
To be entered on journal if called for by one-tenth of those present. (Ala. IV 55; Miss. IV 55; W.Va. VI 41.)
To be entered on journal on demand of one-sixth of members present. (N.D. II 49; S.D. III 13; Wash. II 21; Wis. IV 20.)
To be entered on journal at desire of one-fifth of those present. (Conn. III 9; Ga. III Sec. VII 6; Me. IV Pt. V 3; Mich. V 16; N.J. IV Sec. IV 4; N.M. IV 12; N.C. II 26; R.I. IV 8; Va. IV 49.)
To be entered on journal at request of one-fifth of members elected. (La. 36.)

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LEVEES

For drainage, See DRAINAGE.

LEVEE DISTRICTS

Under this subhead are digested provisions relating particularly to levee districts; for districts in general, See DISTRICTS.

Bills Affecting

Changing boundaries or affecting taxation or revenue of, not to be considered by legislature unless published in a newspaper in county of domicile of board of district affected, for four weeks prior to introduction in legislature, and reported on by appropriate committee in the house and senate; no committee to report on such bill unless publication has been made. (Miss. II 234.)

Bonds

May be issued to refund outstanding bonds and to make more salable bonds authorized but not sold; at not over 5 per cent. interest, not to be sold under par, exchange not to be obligatory on holders of outstanding bonds. (La. 239.)

Eminent Domain

Under this subhead are digested only provisions relating to eminent domain for levee districts; for provisions relating to eminent domain in general, See EMINENT DOMAIN.

Board granted full power to appropriate private property in district, for construction, maintenance and repair of levees therein, damages to be assessed in special manner provided by law, which legislature may alter or amend. (Miss. XI 233.)

Right of action in court of competent jurisdiction to owner of property appropriated by Orleans levee board; detailed provisions. (La. 312.)

Board may appropriate without compensation, when necessary for levee purposes, wharves and buildings of riparian owners or navigable rivers or lakes in towns of over 5,000 inhabitants. (La. 290.)

Formation

Division in two districts made by legislature to remain, but legislature may add to either district, any other alluvial land in state. (Miss. XI 228.)

Legislature may divide state into. (La. 239.)

Legislature may create districts formed in part in this, part in adjacent state. (La. 241.)

Land Outside Levee

Damages not to be paid to any owner of land between the levee and the Mississippi river, because of its being left outside the levee; levee taxes not to be assessed thereon. (Miss. XI 238.)

Obligations Due Board

Obligation due levee board not to be remitted, released or postponed or in any way diminished except by payment into proper treasury; not to be exchanged or transferred except upon payment of its face value; but legislature may provide by law for the compromise of doubtful claims. (Miss. IV 100.)

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LEVEES (*Cont'd*)

LEVEE DISTRICTS (*Cont'd*)

Officers

Board of levee commissioners, for whose appointment or election, legislature may provide, to supervise erection, repair and maintenance of levees in district, in manner provided by law. (La. 239.)

Board of levee commissioners, one or two qualified electors of each county in district; in one district governor may appoint stockholder of certain railroad as additional commissioner; all to be appointed by governor, confirmed by senate, to supervise erection, repair and maintenance of levees in districts; to report annually to governor showing condition of levees, recommending legislation, showing receipts and expenditures, and such other matters proper to be called to attention of legislature; legislature to require board to publish at each session itemized account of receipts and expenditures since prior session, in newspaper of district. (Miss. XI 229, 230, 231, 235, 239.)

Railroads in

Board may permit steam railroads to construct, maintain and operate tracks on levees, under their supervision and control, other railroad companies to be admitted to use of tracks on payment of *pro rata* of expense. (Detailed provisions.) (La. 239.)

Taxation

Board of levee commissioners may levy tax not over 10 mills on all taxable property in alluvial parts of district subject to overflow; when necessary, and with approval of majority of property taxpayers affected voting at special election may levy additional tax; taxing power of New Orleans commissioners not affected by article. (Detailed provisions.) (La. 239.)

Legislature to impose, in addition to levee taxes heretofore authorized, uniform annual tax of not less than 2 or more than 5 cents an acre on land in district, to be taxed by levee board (detail provision as to assessment and collection); legislature may repeal tax after January 1, 1895; cotton tax may be discontinued by legislature, but not so as to affect outstanding bonds based thereon. (Miss. XI 236.)

Legislature may provide for levee district system of taxation from time to time as seems to it wise and proper, but no property between levee and river to be taxed for levee purposes. (Miss. XI 237, 238.)

EMINENT DOMAIN FOR

See EMINENT DOMAIN — SPECIAL PUBLIC PURPOSE.

See EMINENT DOMAIN — PRIVATE PURPOSE.

For levee district boards, See above, this title, LEVEE DISTRICTS.

GRANT TO UNITED STATES

Commissioners of levee districts may cede all their rights of way and levees and maintenance, management and control, to United States. (Miss. XI 232.)

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LEVEES (*Cont'd*)

GRANT TO UNITED STATES (*Cont'd*)

Constitutional provisions as to levee districts cease to have effect whenever the federal government shall assume permanent control and provide ways and means for the maintenance of levees in this state; authority granted to make such surveys as necessary to make effective act of Congress providing for improvement of Mississippi river, and to construct and protect public works and improvement ordered by Congress under that act. (La. 240.)

PROVISION FOR

A levee system to be maintained in this state. (Miss. XI 227.)

A levee system to be maintained in this state, and tax not to exceed 1 mill may be levied annually on all property subject to tax and applied exclusively to maintenance and repair of levees. (La. 238.)

Legislature to provide for a system of levees, drains and ditches when deemed expedient; for payment of bonds or expense necessarily incurred in establishment thereof by taxes on land affected or benefited or on crops raised thereon; and for compulsory issuance of bonds by owners or lessees of land benefited or affected. (Okla. XVI 3.)

LIBEL AND SLANDER

See also FREEDOM OF SPEECH AND PUBLICATION.

See also LIFE, LIBERTY AND PROPERTY.

LIABILITY FOR

Responsibility in general for abuse of liberty of speech and of publication, *See* FREEDOM OF SPEECH AND PUBLICATION.

Legislature may, by suitable penalties, provide for punishment of, and for recovery in civil actions, by aggrieved party, of damages for, libel or defamation of character. (W.Va. III 7.)

Injury to character to have certain remedy. (Ark. II 13; Minn. I 8; Mo. II 10; N.H. I 14; Wis. I 9.)

Same; "reputation" instead of "character". (Okla. II 6.)

Every person ought to have remedy in laws for injuries he may receive to character. (Mass. Pt. I 11; R.I. I 5; Vt. I 4.)

Same; "reputation" instead of "character". (Ill. II 19.)

Injury to reputation to be redressed by due course of law. (Del. I 9; Fla. D.R. 4; Ind. I 12; Kan. B.R. 18; Ky. 14; Me. I 19; Miss. III 24; Nebr. I 13; N.C. I 35; Ohio I 16; Ore. I 10; Pa. I 11; S.D. VI 20; Tenn. I 17; Tex. I 13; W.Va. III 17.)

Same; "character" instead of "reputation". (Conn. I 12.)

Injury to reputation to be redressed by due process of law. (Ala. I 13; N.D. I 22.)

Same; adds "adequately". (La. 6.)

Injury to reputation to be redressed by due process of law administered without denial or unnecessary delay. (Utah I 11.)

Injury to reputation to be redressed without sale, denial or delay. (Wyo. I 8.)

Injury to character to be redressed speedily. (Colo. II 6; Ida. I 18; Mont. III 6.)

Same; "reputation" instead of "character". (Okla. II 6.)

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EL AND SLANDER (*Cont'd*)

PLACE OF TRIAL

Indictments or information for publication in newspapers to be tried in county of publication office or in county where person alleged to be libelled resided at time of publication, unless place of trial changed for good cause. (Cal. I 9.)

TRUTH AS JUSTIFICATION

In civil and criminal trials for libel, truth, unless published from malicious motives, to be sufficient defense. (R.I. I 20.)

In all trials for libel, civil and criminal, truth, when published with good motives and for justifiable ends, shall be sufficient defense. (Ill. II 4; Nebr. I 5; N.D. I 9; S.D. VI 5; Wyo. I 20.)

In criminal prosecutions and civil actions for libel, truth may be given in evidence to jury, and if it appear to jury that matter charged as libelous is true, and was published for good motives, party to be acquitted or exonerated. (Fla. D.R. 13.)

Same; adds "and for justifiable ends" after "motives". (Nev. I 9; W.Va. III 8.)

In all civil or criminal actions for libel, truth may be given in evidence to jury, and if it appear that alleged libelous matter was published for justifiable ends, accused shall be acquitted. (Kan. B.R. 11.)

In all suits and prosecutions for libel truth may be given in evidence. (Colo. II 10; Mo. II 14; Mont. III 10.)

In all proceedings or indictments for libel, truth may be given in evidence. (La. 179.)

In prosecutions for libel, truth may be given in justification. (Ind. I 10.)

Truth may be given in evidence in prosecutions for libel. (Ala. I 12.)

Same; adds "or indictments" after "prosecutions". (Conn. I 7; Ga. I Sec. II 1; S.C. I 21.)

In criminal prosecutions for libel, truth may be given in evidence to jury, and if it appears to jury that matter true and published with good motives and for justifiable ends, party to be acquitted. (Ark. II 6; Cal. I 9; Mich. II 18; Miss. III 13; N.M. II 17; Ohio I 11; Okla. II 22; Utah I 15.)

Same; adds "or indictments" after "prosecutions". (Iowa I 7; N.J. I 5; N.Y. I 8; Wis. I 3.)

Truth may be given in evidence in prosecution for publication of papers, investigating official conduct of officers or men in public capacity, or where matter published is proper for public information. (Ala. I 12; Ky. 9; Tex. I 8.)

In prosecution for publication, investigating proceedings of officers, or where matter published is proper for public information, truth may be given in evidence. (Del. I 5.)

In prosecutions for any publication respecting official conduct of men in public capacity, or qualifications of those who are candidates for the suffrages of people, or where matter published is proper for public information, the truth thereof may be given in evidence. (Me. I 4.)

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LIBEL AND SLANDER (*Cont'd*)

TRUTH AS JUSTIFICATION (*Cont'd*)

In prosecution for publication of papers investigating official conduct of officers or men in public capacity, truth may be given in evidence. (Tenn. I 19.)

No conviction to be had in prosecution for publication of papers relating to official conduct of public officers or other matter proper for public information, where jury satisfied that publication was not maliciously or negligently made. (Pa. I 7.)

PROVINCE OF JURY

In all trials for libel, both civil and criminal, jury to have right to determine fact and law under direction of court. (S.D. VI 5; Wyo. I 20.)

In all suits and prosecutions for libel, jury, under direction of court, to determine law and fact. (Colo. II 10; Mo. II 14; Mont. III 10.)

In prosecutions or indictments for libel, jury to be judges of law and facts. (S.C. I 21.)

In all prosecutions for libel, jury to determine law and fact under direction of court. (Miss. III 13.)

Same; adds "or indictments" after "prosecutions". (Conn. I 7.)

Jury to have right to determine law and fact in criminal prosecutions. (Cal. I 9; Ga. I Sec. II 1; N.J. I 5; N.Y. I 8; Utah I 15; Wis. I 3.)

In criminal cases jury to be judges of law and facts, having been charged by judge as to law. (La. 179.)

In all indictments or information for libel jury to have right to determine law and facts under direction of court as in other cases. (N.D. I 9.)

In all indictments for libel jury may determine facts and the law, as in other cases. (Del. I 5.)

In indictments for libel jury, after receiving direction of court, may determine, at their discretion, law and the fact. (Me. I 4.)

In indictments for libel, jury to have right to determine law and fact under direction of court as in other cases. (Ky. 9; Pa. I 7; Tex. I 8.)

Same; adds "criminal" before "cases". (Tenn. I 19.)

In indictments for libel, jury to have right to determine law and fact under direction of court. (Ala. I 12.)

VERDICT

In all civil and criminal trials for libel, jury to have power of giving general verdict as in other cases. (N.D. I 9.)

NEW TRIALS

Power to grant in case of conviction preserved. (Ga. I Sec. II 1.)

LIBERTY, RIGHT TO, *See* LIFE, LIBERTY AND PROPERTY.

LIBRARIES

Of highest court of state, *See* COURTS — HIGHEST COURTS.

Legislature to make necessary appropriations for care and maintenance of state library. (La. 88.)

State library managed by board of directors, appointed by state board of education, but law library managed by highest court. (Va. IX 132.)

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LIBRARIES (*Cont'd*)

Legislature to pass law regulating mode and manner in which books and state library kept and accounted for by librarian. (Md. VII 3.)

Legislature to create at every session joint standing committee of senate and lower house to examine and report on purchases for the library and all expenditures therein. (Md. III 24.)

State librarian appointed by governor with advice and consent of senate; to hold office during term of governor by whom appointed, term to begin from time of appointment and to continue until successor appointed and qualified; salary $1,500; to perform duties prescribed by law and no appropriation to be made to pay for any clerk or assistant; legislature to pass law requiring him to give bond in such penalty as legislature may prescribe. (Md. VII 3, XV 9.)

State librarian appointed by governor with advice and consent of senate; form of oath of office prescribed, affirmation allowed. (Minn. V 4, 8.)

State librarian to be elected by joint vote of both houses of legislature. Term of office four years, duties and compensation prescribed by law. Any women resident of state four years, 20 years old, eligible to office. (Miss. IV 106, 99.)

Superintendent of public instruction to be *ex-officio* state librarian. (Colo. IV 20.)

Woman, resident in state two years, 21 years old, eligible as state librarian. (S.C. XVII 1.)

Women 21 years of age and upward and possessing qualifications of male voter may vote at election for members of library boards or upon measure relating to libraries, and are eligible to hold office pertaining to management of libraries. (Minn. VII 8.)

Reporter of highest court to be librarian of law library of state. (Nebr. VI 8.)

Legislature to provide by law for establishment of at least one library in each township and city; all fines in counties, cities and townships for breach of penal laws exclusively applied to support of such libraries. (Mich. XI 14.)

LICENSES

Governor may grant such licenses as may be directed by law. (Vt. II 20.)

Any person may sell or peddle products of farm or garden occupied and cultivated by him without obtaining license therefor. (Minn. I 18.)

LIENS

Mechanics' and artisans', See LABOR — LIENS.

For exception from exemptions in favor of certain liens, See EXEMPTIONS FROM FORCED SALE.

Materialmen to have lien on property on which they have furnished material for value of the material. (Cal. XX 15.)

Materialmen to have lien upon buildings and articles made or repaired, for value of material. (Tex. XVI 37.)

Legislature to provide for giving to materialmen adequate lien on the subject-matter of labor. (Ida. XIII 6.)

Legislature may secure for materialmen their just dues by direct lien upon property for which they have furnished material; no provision in constitution to limit or impair this power. (Ohio II 33.)

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LIENS (*Cont'd*)

Creation, extension or impairing, not to be authorized by local, private or special law. (Ala. IV 104; Cal. IV 25; Ida. III 19; Ky. 59; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; Wyo. III 27.)

Enforcement or release not to be authorized by local or special law. (Ky. 59.)

LIEUTENANT-GOVERNOR

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title "PUBLIC OFFICERS".

ABOLISHMENT OF OFFICE

Legislature may abolish. (Wash. III 25.)

BOND

Of not less than double amount of money that may come into hands, and not less than $50,000, sureties, and approval "thereof", and increase of penalties, as may be prescribed by law. (Nebr. V 25.)

CLERICAL ASSISTANTS

No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)

COMPENSATION

Amount

As to whether salary fixed may be changed by law, See below, this subdivision, INCREASE OR DECREASE.

Fixed by law. (Ala. V 118; Colo. IV 19; Conn. IV 4; Ill. V 23; Kan. I 15; Mo. V 24; N.C. III 15; Ohio III 19; Okla. VI 34; R.I. VII 11; S.C. IV 13.)

Salary fixed at $1,000. (N.D. III 84; Okla. Sched. 15; Wash. III 16.)

Salary fixed at $1,500. (La. 69.)

Salary fixed at $4,000. (Cal. V 19.)

Salary fixed at $5,000. (N.Y. IV 8.)

Same compensation and mileage as members of legislature. (Mich. V 10.)

Double compensation of state senator. (Minn. V 6; Nebr. V 24; S.D. XXI 2.)

Same as speaker of house. (Ala. V 118; Miss. V 130.)

Same per diem as prescribed by law for speaker, to be allowed only during session. (Ida. IV 19; Mont. VII 4.)

Acting as president of senate, same as speaker. (Ind. V 23; Ky. 86; Mo. V 18; N.C. III 11; Va. V 79.)

Acting as president of senate, same as speaker; no other compensation except when acting as governor. (N.C. III 11.)

Acting as president of senate, same mileage and double the per diem pay of senator and none other. (Iowa IV 15.)

Acting as president of senate, same compensation and mileage as senators "and no more". (Tex. IV 17.)

Double the per diem allowance of senators for every day's attendance as president of senate and same mileage as members of legislature. (Wis. V 9.)

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LIEUTENANT-GOVERNOR (*Cont'd*)
COMPENSATION (*Cont'd*)
Amount (*Cont'd*)
As president of senate during time of actual attendance as presiding officer, additional allowance of $2 a day. (Nev. IV 33.)
Ten dollars a day while acting as presiding officer of senate and mileage at same rate as senator. (N.M. V 12.)
As president of senate, as member of board of pardons when attending sessions of board, to receive same compensation per day as speaker of house. (Del. III 19.)
Acting as governor, same as governor. (Ala. V 118, 129; Colo. IV 13; Ida. IV 12; Ill. V 17; Ind. V 23; Iowa IV 15; Ky. 86; La. 67; Mich. VI 18; Miss. V 131; Mo. V 16; Mont. VII 14; N.M. V 7; N.C. III 12; Okla. VI 16; Pa. IV 13; Va. V 78.)
Acting as governor, same as governor, and "no more". (Tex. IV 17.)
Increase or Decrease
In General
Allowed. (N.D. III 84; Okla. Sched. 15.)
Allowed after 10 years from date of admission as state. (N.M. V 12.)
Increase allowed, but total not to exceed $3,000. (Wash. III 16.)
Increase of salary prohibited. (S.D. XXI 2.)
May be decreased, but not increased. (Cal. V 19.)
During Term
Prohibited during official term. (Colo. IV 19; Ill. V 23; Mo. V 24; Mont. VII 4.)
Prohibited during period for which elected. (Ala. V 118; Cal. V 19; Kan. I 15; N.C. III 15; N.D. III 84; Ohio III 19; Okla. VI 34.)
Prohibited to extent that it affects salary during term. (Ida. IV 19, V 27.)
Compensation not to be varied so as to take effect until after election after passage of law establishing such compensation. (Conn. IV 4.)
Not to be diminished during term for which elected. (R.I. VII 11.)
Compensation Other Than Salary
Emolument or allowance other than salary, not to receive. (N.C. III 15.)
Not to receive any pension or salary from any other state or government or power. (Mass. Pt. II Ch. VI 2.)
Compensation to be in full for all services rendered in official capacity or employment during term of office. (Cal. V 19; Ida. IV 19; Mont. VII 4.)
Compensation limited to salary. (Ill. V 23; Ky. 96; Mo. V 24; Nebr. V 24; N.M. V 12; N.Y. IV 8, V 1; Okla. VI 34.)
Fees for performance of duties not to be received. (Ida. IV 19; Mont. VII 4; N.M. V 12.)

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LIEUTENANT-GOVERNOR (*Cont'd*)

COMPENSATION (*Cont'd*)

Compensation Other Than Salary (*Cont'd*)

Fees or perquisites for performance of duties not to be received. (Cal. V 19; Ill. V 23; Mo. V 24; Nebr. V 24; N.Y. IV 8, V 1; Okla. VI 34; S.D. XXI 2.)

Costs not to be received. (Ill. V 23; Mo. V 24; Nebr. V 24; Okla. VI 34.)

Interest on public moneys in hands or under control, not to be received to own use. (Nebr. V 24.)

Payment into treasury, *See below, this title,* FEES.

Expenses

No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)

Legislature may provide for actual and necessary expenses while traveling in state in performance of official duty. (Ida. IV 19.)

Payment

Monthly on own warrant. (La. 69.)

DUAL OFFICE HOLDING, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

ELECTION

Under this subhead are digested those provisions which specifically refer to this officer. For provisions relating to elections in general, See the title ELECTIONS.

Electors

Qualified electors of state. (Ala. V 114; Colo. IV 3; Ida. IV 2; Kan. I 1; Minn. V 1; Mont. VII 2; N.C. III 1; N.D. III 74; Ohio III 1; R.I. VII 1; S.D. IV 3; Tex. IV 2; Wis. V 3.)

Same as for governor. (Cal. V 15; Del. III 19; Ky. 82; Mass. Pt. II Ch. II Sec. II 1; Miss. V 128; Nev. V 17; Pa. IV 4; S.C. IV 5; Tex. IV 16; Va. V 77.)

Same as for members of lower house. (La. 62.)

Male citizens 21 years and older (excepting paupers, persons under guardianship, and persons temporarily or permanently disqualified by law because of corrupt practices at elections), who have resided in state one year, and in town or district six months before election. (Mass. Amend. 3, 40.)

Change of residence within state not to disqualify elector in city or town from which he removed until six months from removal. (Mass. Amend. 30.)

Time and Places

Same as for governor. (Cal. V 15; Del. III 19; Iowa IV 3; Ky. 82; Mass. Pt. II Ch. II Sec. II 1; Miss. V 128; Nev. V 17; N.Y. IV 1; Pa. IV 4; S.C. IV 5; S.D. IV 1; Tex. IV 16; Va. V 77.)

Same as for members of legislature. (Ala. V 114; Ida. IV 2; Ind. V 3; Kan. I 1; Mont. VII 2; N.C. III 1; N.D. III 74; S.D. IV 3; Tex. IV 2; Wis. V 3.)

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LIEUTENANT-GOVERNOR (*Cont'd*)
ELECTION (*Cont'd*)
Time and Places (*Cont'd*)
Same as for members of lower house. (La. 62; N.Y. IV 3.)
At general election. (Colo. IV 3.)
At general biennial election. (Mich. VI 1.)
Tuesday after first Monday in November. (Mass. Amend. XV.)
Biennially on first Tuesday after first Monday of November. (Vt. II 35.)
Tuesday after first Monday in November, at places for voting for members of legislature. (Ohio III 1.)
Tuesday after first Monday of November, 1872, and every four years thereafter. (Ill. V 3.)
Tuesday after first Monday in November, 1876, and biennially thereafter. (Nebr. V 1.)
Tuesday after first Monday of November, 1886, and biennially thereafter. (Conn. Amend. XXVII 1.)
Tuesday after first Monday in November, 1895, and every four years thereafter. (Ky. 95.)
At town, ward and district meetings on Tuesday after first Monday in November, 1912, and biennially. (R.I. Amend. XVI.)
Returns and Canvass
Contested Elections, See below, this subdivision, CONTESTED ELECTIONS.
Election in Case of Tie Vote, See below, this subdivision, TIE VOTE.
Canvassing Board
Until otherwise provided by law, abstract of returns to be sealed and transmitted to secretary of state who, with lieutenant-governor and attorney-general, constitutes a board of canvassers; to meet at state capitol on second Tuesday of December after election to proclaim result. (Kan. I 2.)
Result of election determined by board of state canvassers, composed of secretary of state, treasurer, and commissioner of state land office. If latter office abolished another state officer designated by law as member of board. (Mich. VI 20.)
Made to secretary of state, and canvassed by board composed of secretary and two or more of judges of the highest court and two disinterested judges of the district courts; result declared within three days after canvass. (Minn. V 2.)
Sealed and transmitted to seat of government, directed to secretary of state; on third Monday of December after election chief justice of highest court and associate justices or a majority to meet at office of secretary of state and open and canvass returns and declare result and publish names. (Nev. V 4, 17.)

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LIEUTENANT-GOVERNOR (*Cont'd*)

ELECTION (*Cont'd*)

Returns and Canvass (*Cont'd*)

Lower House

Sealed and transmitted to seat of government, directed to secretary of state and by him delivered to speaker of house at next session of legislature within one day after his election. Speaker on next Tuesday to open and publish in presence of lower house, which shall count the vote of each county and district. If tie in votes of county or district, electoral vote to be considered as equally divided. Person found to have received majority of all electoral votes and also a majority of popular votes, to be elected. (Miss. V 128, 140.)

Joint Committee of Both Houses

Returns made by constable of each town to members of lower house; at opening of legislature joint committee of both houses appointed to canvass votes after being sworn. Majority vote of people necessary to choice. (Vt. II 39.)

Both Houses

Sealed and transmitted to speaker, who opens and publishes in presence of both houses. (Ind. V 4; Iowa IV 3.)

Sealed and transmitted to president of senate, who opens and publishes in presence of members of both houses. (Pa. IV 2, 4.)

Sealed and transmitted to president of senate, or if vacancy in his office or absence from state, to secretary of state who keeps them until president of senate chosen to whom they are immediately transmitted after election and who opens and publishes in presence of members of both houses. Duplicates of returns also immediately lodged with clerk of court of each county. (Del. III 3, 19.)

Sealed and transmitted to speaker, who opens and publishes in presence of majority of members of both houses. (N.C. III 3.)

Sealed and transmitted to secretary of state, who delivers to speaker at first meeting of house, who opens and publishes in presence of a majority of members of both houses. (Wash. III 4.)

Detailed provisions for sealing and transmitting to secretary of state, who lays them before senate and lower house on the first Wednesday of January. (Mass. Pt. II Ch. II Sec. I 3, Sec. II 1, Amend. 10.)

Detailed provisions for transmitting to secretary of state. Votes to be counted by treasurer, secretary of state and comptroller in month of April and laid before general assembly on first day of session. (Conn. IV 2, 3.)

Sealed and transmitted to secretary of state, who delivers unopened to next legislature. Members of legislature meet

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LIEUTENANT-GOVERNOR (*Cont'd*)
ELECTION (*Cont'd*)
Returns and Canvass (*Cont'd*)
Both Houses (*Cont'd*)
on first Thursday after assembling to canvass votes. (La. 62.)
Sealed and transmitted to speaker, who, during first week of session, opens and publishes in presence of both houses of legislature. (Cal. V 4, 15.)
Sealed and transmitted to speaker of house who, during first week of session, opens and publishes in presence of both houses in joint convention, but speaker's duty and duty of joint convention to be purely ministerial. (Ala. V 115.)
Until otherwise provided by law to be sealed and transmitted to secretary of state, who delivers to speaker, as soon as chosen, who during first week of session opens and publishes in presence of both houses. (Tex. IV 3.)
Sealed and transmitted to secretary of state, who delivers to speaker of house on first day of session. Speaker within week thereafter opens in presence of majority of each house. (Va. V 70, 77.)
Sealed and transmitted to president of senate, who, during first week of session, opens and publishes in presence of majority of members of each house. If no session in January after election, returns made to secretary of state, and opened and result declared by governor, in manner prescribed by law. (Ohio III 3, 4.)
Sealed and transmitted to seat of government, directed to secretary of state, who delivers to speaker at next session of legislature; duplicates filed with clerks of courts of counties, who forward certified copy on notification that returns previously forwarded have not been received. Secretary of state delivers returns to speaker at next session of legislature, and during first week or as soon as legislature organizes by election of presiding officers speaker opens and publishes in presence of both houses. (S.C. IV 4, 5.)
Sealed and transmitted to speaker, who, immediately after organization of house and before proceeding to other business, opens and publishes in presence of majority of each house. (Ill. V 4; Mo. V 3; Nebr. V 4.)
Sealed and transmitted to speaker, who, immediately on organization of house and before proceeding to other business, opens and publishes in presence of majority of members of both houses. (Colo. IV 3.)
As Prescribed by Law
Returns made in manner prescribed by law. (Ida. IV 2; Mont. VII 2; N.D. III 74; S.D. IV 3; Wis. V 3.)

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LIEUTENANT-GOVERNOR (*Cont'd*)

ELECTION (*Cont'd*)

Failure to Elect

Legislature, on organization, to meet in joint convention and elect, by majority vote, person to fill office, who shall serve for full term and until successor elected and qualified. (R.I. Amend. XI 3, 7.)

Failure to receive highest number of votes, *See below, this subdivision*, TIE VOTE.

Contested Elections

Procedure in case of tie vote, *See below, this subdivision*, TIE VOTE.

Determined as prescribed by law. (Ida. IV 2; Mont. VII 2.)

Legislature to prescribe by law manner in which all questions concerning election shall be determined. (Conn. IV 2.)

Determined by legislature in manner prescribed by law. (Ala. V 115; Ind. V 6; Iowa IV 5; Ky. 90; S.C. IV 4, 5; Wash. III 4.)

Determined by both houses of legislature in joint session. (Tex. IV 3.)

Determined by both houses of legislature by joint ballot in manner prescribed by law. (Colo. IV 3; Ill. V 4; Mo. V 25; Nebr. V 4; N.C. III 3; Va. V 70, 77.)

Contests concerning vote of county or district to be decided by majority of whole number of members of lower house by a *viva voce* vote recorded in journal. (Miss. V 128, 132, 140.)

Determined by committee selected from both houses of legislature and formed and regulated in manner prescribed by law; chief justice of highest court to preside, and to decide on admissibility of evidence, and, on request of committee, to pronounce opinion on questions of law. (Pa. IV 2, 4, 17.)

Determined by joint committee consisting of one-third of all members elected to each house to be selected by ballot of the houses respectively. Every member of committee to take oath on affirmation and committee to hold public sessions. Chief justice, or, if he is absent or disabled, chancellor shall preside at trial of contested election, and decide questions regarding admissibility of evidence, and on request of committee pronounce opinion on questions of law. (Del. III 4.)

Tie Vote

Determined by lot as legislature may direct. (Ky. 70, 82.)

Lower house to elect two out of four persons who had highest number of votes; senate to elect one of such persons. (Mass. Pt. II Ch. II Sec. I 3, Sec. II 1, Amend. 14.)

If no person has majority of votes, legislature by joint vote to elect one of three candidates having highest number of votes. (Vt. II 39.)

Legislature by joint vote at next annual session, forthwith to elect one of persons in tie. (N.Y. IV 3; Wis. V 3.)

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LIEUTENANT-GOVERNOR (*Cont'd*)
ELECTION (*Cont'd*)
Tie Vote (*Cont'd*)
Legislature at next regular session to elect forthwith by joint vote one of persons in tie. (Ida. IV 2; Mont. VII 2; N.D. III 74; S.D. IV 3.)
Legislature by joint vote to elect one of persons in tie. (Cal. V 4, 15; Colo. IV 3; Ill. V 4; Kan. I 2; Mo. V 3; Nebr. V 4; Nev. V 4, 17; N.C. III 3; Ohio III 3; Pa. IV 2, 4; Va. V 70, 77; Wash. III 4.)
Legislature by joint vote to elect one of persons in tie; majority vote necessary to choice. (R.I. Amend. XI 3, 7.)
Legislature by joint ballot to choose one of persons in tie and if two or more are still in tie president of senate to have casting vote. (Del. III 3, 19.)
Legislature by joint vote without delay to elect one of persons in tie. (Ala. V 115; Ind. V 5; Iowa IV 4; La. 62; Tex. IV 3.)
Legislature on second day of session by joint vote to elect without debate one of persons in tie. (Conn. Amend. XXX.)
Legislature, during same session, to elect one of persons in tie. (S.C. IV 4, 5.)
If no person receives majority of electoral votes and also majority of popular vote, lower house elects one of two persons having highest number of popular votes. Election by *viva voce* vote recorded in journal. (Miss. V 128, 141.)
Election to Fill Vacancy, *See below, this title*, VACANCY IN OFFICE.
EXPENSES, *See above, this title*, COMPENSATION.
FEES
As to whether fees may be received, See above, this title, COMPENSATION.
Fees and profits to be covered into treasury. (N.D. III 84.)
Fees payable by law to be paid in advance into treasury. (Colo. IV 19; Ill. V 23; Mo. V 24; Nebr. V 24.)
Fees payable by law to be collected in advance and deposited with treasurer quarterly to credit of state. (Ida. IV 19; Mont. VII 4.)
IMPEACHMENT
See also IMPEACHMENT.
May be impeached. (Tex. XV 2.)
For misdemeanor in office. (Cal. IV 18.)
For wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics, or offense involving moral turpitude in office. (Ala. VII 173.)
For malfeasance in office, corruption, neglect of duty or other high crime or misdemeanor. (Va. IV 54.)
For high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office. (Mo. VII 1.)
For "high crimes and misdemeanors, for non-feasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness". (La. 217.)

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LIEUTENANT-GOVERNOR (*Cont'd*)

IMPEACHMENT (*Cont'd*)

If during recess of legislature majority of members elected to lower house certify in writing to secretary of state, desire to meet to consider impeachment of lieutenant-governor, secretary of state shall notify speaker of house who within 10 days summons members by publication in newspaper to assemble at capitol on day fixed by speaker, not less than 15 days after receipt of notice. If lower house prefers articles, speaker to forthwith notify secretary of state who summons members of senate to assemble at capitol on day named, not less than 10 days after receipt of notice from speaker. Senate to hear and try articles as preferred by house. (Ala. VII 173.)

OATH OF OFFICE

Form prescribed, affirmation allowed. (Minn. V 8.)

Administered by secretary of state or in his absence by attorney-general. (R.I. IX 5.)

Administered by president of senate in presence of both houses. (Mass. Pt. II Ch. VI 1.)

No other than oath of allegiance and of office prescribed in constitution, to be required as qualification for office. (Mass. Amend. 7.)

OFFICE AND PUBLIC RECORDS

Office to be kept at seat of government. (Mich. VI 1.)

Office and public records to be kept at seat of government. (Okla. VI 1.)

POWERS AND DUTIES

Succession to governorship, *See* GOVERNOR.

As presiding officer of senate, *See* LEGISLATURE.

As prescribed by law. (Mich. VI 1; N.Y. V 6; Wash. III 16.)

As prescribed by constitution and by law. (Ida. IV 1; Mont. VII 1; Okla. VI 1.)

Member of governor's council, except when acting as governor. (Mass. Pt. II Ch. II Sec. II 2.)

Ex officio lieutenant-general of all the forces of the state. (Vt. II 20.)

QUALIFICATIONS AND DISQUALIFICATIONS

Same as for Governor. (Cal. V 15; Conn. IV 3; Del. III 19; Ky. 82; Miss. V 128; Mo. V 15; Nev. V 17; N.Y. IV 7; Okla. VI 15; S.C. IV 5; Tex. IV 16; Va. V 77.)

Age

Twenty-five years, shall have attained age of. (Minn. V 3.)

Thirty years to be eligible to office. (Colo. IV 4; Ill. V 5; Ind. V 7; La. 63; Mich. VI 13; Nebr. V 2; N.M. V 3; N.Y. IV 2; N.C. III 2; N.D. III 73; Okla. VI 3; Pa. IV 5; S.D. IV 2.)

Thirty years at time of election. (Ala. V 117; Ida. IV 3; Iowa IV 6; Mont. VII 3.)

Citizenship

In United States

Must be citizen. (Colo. IV 4; Ida. IV 3; Minn. V 3; Mont. VII 3; N.M. V 3; N.Y. IV 2; N.D. III 73; Okla. VI 3; Pa. IV 5; S.D. IV 2; Wis. V 2.)

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LIEUTENANT-GOVERNOR (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Citizenship (*Cont'd*)
In United States (*Cont'd*)
For two years preceding election. (Iowa IV 6; Nebr. V 2.)
For five years preceding election. (Ill. V 5.)
For five years (preceding election?). (Ind. V 7; Mich. VI 13; N.C. III 2.)
For 10 years (preceding election?). (Ala. V 117; La. 63.)
In State
For two years preceding election. (Nebr. V 2.)
For five years preceding election. (Ill. V 5.)
For seven years preceding election. (Ala. V 117.)
Dual Office Holding
Ineligible to other office during period for which elected. (Ill. V 5; Ind. V 24; N.D. III 73; S.D. IV 2.)
Ineligible to office or appointment from legislature or either house during term for which elected, votes for him for such office to be void. (Mich. VI 15.)
Ineligible to any other public office during term of office, except member of state board of education. (Mont. VII 4.)
Ineligible to other state office during period for which elected. (Nebr. V 2.)
Not to hold any other place or office under authority of state, or from any other state or government or power. (Mass. Pt. II Ch. VI 2.)
Ineligible to office of governor, justice of highest court, treasurer, member of legislature, surveyor-general or sheriff. (Vt. II 50.)
Member of Congress or person holding office under this state or United States not to fill office of lieutenant-governor. (Ind. V 8.)
Person holding office under United States at time of or within six months immediately preceding election for governor, ineligible to office of lieutenant-governor. (La. 63.)
No judge (except of court of sessions) and no person holding office under authority of United States (postmaster excepted) shall, at the same time, hold office of lieutenant-governor. (Mass. Amend. 8.)
Person holding office under authority of this state or of United States not to exercise office of lieutenant-governor. (Iowa IV 14.)
Electoral
Must be qualified elector to be eligible to office. (N.D. III 73; S.D. IV 2; Wis. V 2.)
Must have been qualified elector for three years preceding election. (Okla. VI 3.)
Prior Service in Office as Disqualification
Ineligible as own successor. (Ala. V 116; Pa. IV 4, 3.)
Ineligible for four years after term for which elected. (Ky. 82.)

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LIEUTENANT-GOVERNOR (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Prior Service in Office as Disqualification (*Cont'd*)

Ineligible more than four years in period of eight years "unless office cast on him as lieutenant-governor or president of senate". (N.C. III 2.)

After serving two consecutive terms, ineligible to hold state office for two years thereafter. (N.M. V 1 [1914].)

Residence

Same as for governor. (Mass. Pt. II Ch. II Sec. II 1.)

In state for one year preceding election. (Minn. V 3.)

In state for two years preceding election. (Colo. IV 4; Ida. IV 3; Iowa IV 6; Mich. VI 3; Mont. VII 3; N.C. III 2; S.D. IV 2.)

In state for four years preceding election. (Vt. II 22.)

In state for five years preceding election. (Ind. V 7; N.M. V 3; N.Y. IV 2; N.D. III 73.)

In state for seven years preceding election. (Ala. V 117.)

In state for seven years preceding election, unless absent on business of United States or of state. (Pa. IV 5.)

In state for 10 years preceding election. (La. 63.)

Sex

See also above, this subdivision, ELECTORAL.

Must be male. (Okla. VI 3.)

ROTATION IN OFFICE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

TERM OF OFFICE

Length

Same as for governor. (Cal. V 15; Del. III 19; Ky. 82; Miss. V 128; Nev. V 17; N.D. III 72; Pa. IV 4; S.C. IV 5; Tex. IV 16; Va. V 77.)

One year. (Mass. Amend. 10.)

Two years. (Colo. IV 1; Conn. Amend. XXVII 2; Ida. IV 1; Iowa IV 3, 15; Kan. I 1; Mich. VI 1; Minn. V 3; Nebr. V 1; N.M. V 1 [1914]; N.Y. IV 1; Ohio III 2, XVII 2; R.I. Amend. XVI; S.D. IV 1; Wis. V 1.)

Four years. (Ala. V 116; Ill. V 1; Ind. V 2, 9; La. 62; Mo. V 2; Mont. VII 1; N.C. III 1; Okla. VI 4; Wash. III 3.)

To serve until successor qualified (regardless of length of term specified). (Ala. V 116; Conn. Amend. XXVII 2; Ill. V 1; Iowa IV 3, 15; Kan. I 1; Mass. Amend. 10; Minn. V 3; Mo. V 2; Mont. VII 1; Nebr. V 1; N.C. III 1; Ohio III 2; Pa. IV 17; R.I. Amend. XVI; Wash. III 3.)

To serve until successor qualified, or to adjournment of session of legislature at which, by constitution and laws, successor is to be chosen. (Vt. II 41.)

To serve until first Monday after successor qualified. (La. 64.)

Re-election to Same Office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

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LIEUTENANT-GOVERNOR (*Cont'd*)

TERM OF OFFICE (*Cont'd*)

Time of Beginning

Same as for governor. (Cal. V 15; Del. III 19; Ky. 82; Miss. V 128; Nev. V 17; N.D. III 72; Pa. IV 4; S.C. IV 5; Tex. IV 16; Va. V 77.)

When chosen and qualified. (Vt. II 41.)

January 1st after election. (N.M. V 1; N.C. III 1.)

First Monday in January after election. (Ida. IV 1; Mont. VII 1.)

First Monday after announcement by legislature of result of election. (La. 64.)

First Wednesday in January after election. (Mass. Amend. 10.)

Wednesday after first Monday in January after election. (Conn. Amend. XXVII 2.)

First Thursday [after] first Tuesday in January after election. (Nebr. V 1.)

Second Monday in January after election. (Ill. V 1; Iowa IV 15; Kan. I 1; Mo. V 2; Ohio III 2; Okla. VI 4.)

Second Monday in January after election until otherwise provided by law. (Wash. III 4.)

Second Tuesday in January after election. (Colo. IV 1; R.I. Amend. XVI.)

First Monday after second Tuesday in January after election. (Ala. V 116.)

VACANCY IN OFFICE

Election of president *pro tempore* of senate, *See* LEGISLATURE.

If office of governor and lieutenant-governor are both vacant by reason of death or otherwise, vacancy filled by legislature by majority vote in joint convention; and acting governor, if legislature not in session, to call special session within 20 days after both offices are vacant unless regular session sooner to occur. (R.I. Amend. XI, 4, 7.)

In case lieutenant-governor-elect dies, removes from state, refuses to serve, becomes insane, or otherwise incapacitated, or if failure to elect, legislature, upon its organization, to meet in joint convention and elect, by majority vote, person to fill the office. If election by legislature is because of failure of candidate to receive plurality of votes, election to be made from persons who receive same and largest number of votes. Person elected serves for remainder of term, or full term as case may be, and until successor qualified. (R.I. Amend. XI 3, 7.)

When he acts as governor, unless during temporary disability of governor, vacancy filled as directed by constitution. (Utah III 20.)

LIFE, LIBERTY AND PROPERTY

RIGHT TO

Protection of persons and property paramount duty of government and shall be impartial and complete. (Ga. I Sec. I 2.)

All persons have right to protection of life, liberty and property. (Mass. Pt. I 10; N.H. I 12; Vt. I 9.)

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LIFE, LIBERTY AND PROPERTY (*Cont'd*)

RIGHT TO (*Cont'd*)

All men have inalienable right to life, liberty and pursuit of happiness. (Ala. I 1; Ill. II 1; Ind. I 1; Kan. B.R. 1; Nebr. I 1.)

Same; "inherent" right. (Wis. I 1; Wyo. I 2.)

All men have inalienable right to defend lives and liberties, acquire, possess and protect property. (Utah I 1.)

All men have inherent right to enjoy and defend life and liberty, acquire and protect property, and to pursue happiness. (S.D. VI 1.)

All men have inalienable right to enjoy life and liberty, with means of acquiring and possessing property, and pursuing and obtaining happiness and safety. (Va. I 1; W.Va. III 1.)

All men have inalienable right to enjoy and defend life and liberty; acquire, possess and protect property; pursue and obtain safety and happiness. (Cal. I 1; Colo. II 3; Fla. D.R. 1; Ida. I 1; Iowa I 1; Ky. 1; Me. I 1; Mass. Pt. I 1; Mont. III 3; Nev. I 1; N.H. I 2; N.J. I 1; N.M. II 4; Ohio I 1; Vt. I 1.)

All men have inalienable right to enjoy and defend life and liberty; acquire, possess and protect property and reputation, and pursue happiness. (Ark. II 2; Pa. I 1.)

Same; adds at end "and safety". (N.D. I 1.)

All men have right of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of obtaining objects suitable to their condition. (Del. Preamble.)

All persons have natural right to life, liberty and enjoyment of gains of their own industry. (Mo. II 4.)

All persons have right to life, liberty, pursuit of happiness, and enjoyment of gains of their own industry. (Okla. II 2.)

All men have inalienable right to life, liberty, enjoyment of fruits of their own labor, and pursuit of happiness. (N.C. I 1.)

DEPRIVATION OF

Right of action for, See INJURIES *and references there given; See* ADMINISTRATION OF JUSTICE.

For provisions confined to accused persons, See CRIMES — RIGHTS OF ACCUSED.

Eminent domain, See EMINENT DOMAIN.

No person to be deprived of life, liberty or property without due process of law. (Ariz. II 4; Ark. II 8; Cal. I 13; Colo. II 25; Fla. D.R. 12; Ga. I Sec. I 3; Ida. I 13; Ill. II 2; Iowa I 9; La. 9; Mich. I 16; Minn. I 6; Miss. III 14; Mo. II 30; Mont. III 27; Nebr. I 3; Nev. I 8; N.M. II 18; N.Y. I 6; N.D. I 13; Okla. II 7; S.C. I 6; S.D. VI 2; Utah I 7; Wash. I 3; Wyo. I 6.)

No person to be deprived of his property without due process of law. (Va. I 11.)

No person to be deprived of life, liberty or property without due process of law and the judgment of his peers. (W.Va. III 10.)

No person can be justly deprived of liberty except by the laws of the land or the judgment of his peers. (Vt. I 10.)

No person to be deprived of life or liberty except by the law of the land or judgment of his peers. (Va. I 8.)

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LIFE, LIBERTY AND PROPERTY (*Cont'd*)

DEPRIVATION OF (*Cont'd*)

No citizen of state to be deprived of life, liberty, property, privileges or immunities except by due course of the law of the land. (Tex. I 19.)

No member of state to be deprived of any right or privilege secured to any citizen thereof unless by law of land or judgment of his peers. (Minn. I 2; N.Y. I 1.)

No person ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of life, liberty or property, but by the law of the land. (N.C. I 17.)

No man to be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers or the law of the land. (Tenn. I 8.)

No person to be taken, imprisoned or disseized of his estate, freehold, liberties or privileges; or outlawed, or in any manner destroyed or deprived of his life, liberty or property, except by judgment of his peers or the law of the land. (Ark. II 21.)

No man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land. (Md. D.R. 23.)

No subject to be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land. (Mass. Pt. I 12; N.H. I 15.)

No citizen shall be deprived of any right, privilege or immunity or exempted from any burden or duty on account of race, color or previous condition. (Ark. II 3.)

No person shall be disturbed in his private affairs, or his home invaded without authority of law. (Ariz. II 8; Wash. I 7.)

No person shall be denied equal protection of law. (N.M. II 18; S.C. I 5.)

No man's particular service shall be demanded without just compensation. (Ind. I 21; Tenn. I 21.)

LIMITATION OF ACTIONS, *See* COURTS.

LIQUORS

ADULTERATED, PROHIBITED

Legislature to prohibit importation into state for sale of any spurious, poisonous or drugged spirituous liquors, or spirituous liquors adulterated with any poisonous or deleterious substance, and to prohibit compounding or manufacture in state, except for chemical or mechanical purposes, of any such liquors, and to prohibit sale of such liquors for beverage; violation of such prohibitions to be punished by fine or imprisonment. Legislature to provide for condemnation and destruction of all spurious, poisonous or drugged liquors above prohibited. (Colo. XVIII 5.)

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LIQUORS (*Cont'd*)

DENATURED ALCOHOL

Nothing in constitution to prevent manufacture or sale of denatured alcohol under regulations prescribed by law. (Okla. XX 1.)

Prohibition provision not applicable to manufacture or sale of denatured alcohol. (Ariz. XXIII (1914).)

Manufacture and sale of for industrial purposes may be permitted under regulations prescribed by law in spite of prohibition provision. (W.Va. VI 46 (1912).)

DRUNKENNESS

Provision for education of inebriates to be made by legislature. (N.C. XI 9.)

Legislature may establish asylum for cure of drunkenness and reform of inebriates. (Tex. XVI 42.)

ELECTION DAY SALES, *See* ELECTIONS—INTOXICATING LIQUORS.

INDIAN RESTRICTIONS

Sale, barter or giving intoxicating liquors to Indians and the introduction of such liquors into Indian country prohibited. (Ariz. XX 3; N.M. XXI 1.)

Whenever lands contained within Indian reservations or allotments are allotted, sold, reserved or otherwise disposed of, they shall be subject for 25 years thereafter to laws of United States, prohibiting introduction of liquor into Indian country. (Ariz. XX 11; N.M. XXI 8.)

Manufacture, sale, barter, giving away or otherwise furnishing, except as hereinafter provided, of intoxicating liquors, within parts of state, known as Indian Territory, Osage Indian reservation and within other lands which were Indian reservation on January 1, 1906, prohibited for 21 years from admission of state, and until otherwise provided by constitutional amendment. Detailed provision for sale of alcohol for industrial and educational purposes and of liquor for medicinal purposes, with penalties for illegal sale. Provisions to be immediately enforcible on admission of state. (Okla. I 7.)

LOCAL OPTION

Legislature may submit question to voters of each district, whether manufacture and sale of intoxicating liquors be licensed or prohibited in district. Must submit on request of majority of members elected from a district; if majority against license, manufacture and sale prohibited in district, "except for medicinal or sacramental purposes"; legislature to pass necessary legislation. (Del. XIII.)

Board of county commissioners of each county, not oftener than once in two years, on application of one-fourth of registered voters of county, to call election to determine whether sale of intoxicating liquors shall be prohibited. Election to be determined by majority of votes of those voting at election which shall be conducted in manner prescribed by law for general elections; and intoxicating liquors not to be sold in any election district in which majority vote was cast against the same at such election. Elections to be

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LIQUORS (*Cont'd*)

LOCAL OPTION (*Cont'd*)

held within 60 days from time of presenting application; but if it would thereby take place within 60 days of state or national election, to be held within 60 days after such state or national election. Legislature to provide necessary laws for enforcement. (Fla. XIX.)

Laws relating to sale, loan or gift of vinous, spirituous or malt liquors exempted from provision that no law be enacted to take effect on approval of any other authority than legislature. (Ky. 60.)

Local or special law not to provide means of taking sense of people of city, town, district, precinct or county, whether they wish to authorize, regulate or prohibit therein sale of vinous, spirituous or malt liquors or alter liquor laws. Legislature to provide by general law therefor. Elections for this purpose may be held on day other than regular election day. (Ky. 59, 61.)

Municipal corporations to be authorized by general laws to limit number of saloons. Laws not to be passed authorizing more than one saloon in each township or municipality of less than 500 population, or more than one saloon for each 500 population, in other townships and municipalities. Traffic not to be licensed in any subdivision in which prohibited under laws applying to such subdivision. Nothing herein to be construed to repeal, modify or suspend any such prohibitory laws, or regulatory laws, "or to prevent future enactment, modification" or repeal of any prohibitory or regulatory law. "Saloon" as used in this section defined to be a place where intoxicating liquors are sold, or kept for sale, as beverage in quantities less than one gallon. (Ohio XV 9.)

No law to be passed or be in effect prohibiting the sale, furnishing or giving away of intoxicating liquors operative in a subdivision of the state upon the option of the electors thereof, or upon any other contingency, which has force within a territory larger than a municipal corporation or a township outside of municipal corporations therein. All laws in contravention of the foregoing are hereby repealed. (Ohio XV 9a.)

Legislature may not delegate to municipal corporations power to issue licenses to manufacturers or sell liquors. (S.C. VIII 11.)

Legislature at first session to enact a law by which qualified voters of county, justice's precinct, town, city (or subdivision of county designated by commissioner's court) may by majority vote determine whether the sale of intoxicating liquors shall be prohibited. (Tex. XVI 20.)

Legislature may enact local option laws. (Va. IV 62.)

Liquor license in any incorporated city, town or village not to be granted by county court without consent of municipal authorities. (W.Va. VIII 24.)

PROHIBITION

Traffic in Indian country or with Indians, *See above, this title,* INDIAN RESTRICTIONS.

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LIQUORS (*Cont'd*)

PROHIBITION (*Cont'd*)

Nothing in constitution to affect rights of legislature to enact local laws prohibiting liquor traffic, after notice as provided in constitution. (Ala. IV 104.)

Intoxicating liquor not to be manufactured in or introduced into the state under any pretense. Every person who sells, exchanges, gives, barters or disposes it to any person in state or who manufactures or introduces it into or attempts to introduce it into state to be guilty of misdemeanor and on conviction, imprisoned not less than 10 days or more than two years and fined not less than $25 and costs, nor more than $300 and costs for each offense. (Ariz. XXIII (1914).)

Manufacture and sale of intoxicating liquors prohibited in state except for medicinal, scientific and mechanical purposes. (Kan. XV 10.)

Manufacture of intoxicating liquors, not including cider, and sale and keeping for sale of intoxicating liquors, prohibited. Except sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and sale and keeping for sale of cider may be permitted under such regulations as legislature may provide. Legislature to enact laws with suitable penalties for suppression of manufacture, sale and keeping for sale of intoxicating liquors, with exceptions herein specified. (Me. Amend. 26.)

Manufacture and importation for sale or gift and keeping, selling or offering intoxicating liquors for sale or gift, barter or trade as beverage prohibited. Legislature to enforce and provide suitable penalties for violation. (N.D. XX 217.)

No law hereafter to be passed prohibiting the sale, furnishing or giving away of intoxicating liquors throughout the state at large. (Ohio XV 9a.)

After January 1, 1916, no intoxicating liquors to be manufactured or sold in state except for medicinal purposes on prescription of licensed physician, or for scientific, sacramental or mechanical purposes. This provision to be self-executing, and provision of constitution and laws, and charters and ordinances of cities, towns and municipalities in conflict therewith are repealed. (Ore. I 36 (1914).)

Legislature may prohibit manufacture, sale and retail of alcoholic liquors and beverages. (S.C. VIII 11.)

After July 1, 1914, manufacture, sale and keeping for sale of malt, vinous or spirituous liquors is prohibited except that manufacture, sale and keeping for sale of such liquor for medicinal, pharmaceutical, mechanical, sacramental and scientific purposes may be permitted under regulations prescribed by law. Legislature to enact laws without delay carrying into effect these provisions. (W.Va. VI 46 (1912).)

REGULATION OF TRAFFIC

Nothing in constitution to affect rights of legislature to enact local laws regulating liquor traffic, after notice as provided in constitution. (Ala. IV 104.)

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LIQUORS (*Cont'd*)

REGULATION OF TRAFFIC (*Cont'd*)

Regulation of sale of alcoholic or spirituous liquors declared a police regulation and legislature may enact laws regulating sale and use. (La. 181.)

License to traffic in intoxicating liquors to be granted in state; license laws operative throughout state to be passed with restrictions and regulations. Details as to licensee and interest of others in license. (Ohio XV 9.)

Legislature may license persons or corporations to manufacture, sell and retail them in state under rules and restrictions prescribed by law; or prohibit manufacture and sale and retail of them in state and authorize state, county and municipal officers, under authority and in name of state, to buy in any market and retail, in state, liquors and beverages in such packages and quantities and under such rules and regulations as it deems expedient; but no license to be granted to sell alcoholic beverages in less quantities than one-half pint, or between sundown and sunrise, or to be drunk on premises. (Legislature may not delegate to municipal corporations powers to issue license (VIII 11).) Net income derived by state from sale or license (not including part allowed by law to go to counties and municipal corporations of state) to be applied annually in aid of school supplementary taxes, and, if surplus, to be devoted to public school purposes and apportioned as legislature may determine; but supplementary taxes only to be levied when net income from sale or license not sufficient to meet and equalize deficiencies for which supplementary taxes are provided (XI 12). (S.C. VIII 11, XI 12.)

Legislature may enact dispensary laws or laws controlling, regulating, manufacture or sale of intoxicating liquors. (Va. IV 62.)

SACRAMENTAL PURPOSES

See also above, this title, PROHIBITION.

See also above, this title, LOCAL OPTION.

Use of wine solely for sacramental purposes under church authority not to be prohibited. (N.M. XX 13.)

LIVE STOCK, *See* AGRICULTURE.

LOBBYING, *See* LEGISLATURE.

LOCAL LAWS, *See* SPECIAL OR LOCAL LAWS.

LOCAL OPTION, *See* LIQUORS.

LOTTERIES

Prohibited. (Fla. III 23.)

Hereafter prohibited except those already authorized by legislature. (R.I. IV 12.)

Not to be authorized; sale of lottery tickets not to be allowed. (Ind. XV 8.)

Not to be authorized by state and sale of lottery tickets not to be allowed. (Ark. XIX 14; Iowa III 28; Nev. IV 24.)

Lotteries and sale of lottery tickets prohibited. (Kan. XV 3; La. 178; Ohio XV 6.)

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LOTTERIES (*Cont'd*)

Same; legislature to enforce by appropriate legislation. (Del. II 17; Ga. I Sec. II 4; N.Y. I 9; Ore. XV 4.)

Lottery grant not to be authorized by legislature. (Md. III 36.)

Legislature not to authorize. (Wash. II 24; Wis. IV 24.)

Legislature not to authorize lottery or sale of lottery tickets. (Mich. V 33; Minn. IV 31.)

Legislature not to have power to authorize lotteries for any purpose and shall pass laws to prohibit sale of lottery tickets in state. (Tenn. XI 5.)

Legislature to have no power to authorize lotteries or gift enterprises and shall pass laws to prohibit sale of lottery or gift enterprise tickets in the state. (Cal. IV 26; Colo. XVIII 2; Ill. IV 27; Mont. XIX 2; N.D. Amend. I; W.Va. VI 36.)

Legislature not to authorize lottery or gift enterprise under any pretense or for any purpose. (Ida. III 20.)

Same; adds "game of chance". (Nebr. III 21; S.D. III 25; Utah VI 28.)

No lottery to be authorized by legislature or otherwise in state, and no ticket in lottery to be bought or sold within state. (N.J. IV Sec. VII 2.)

No lottery to be allowed or to be advertised by newspapers or otherwise, or tickets sold in state, and legislature to provide for enforcement of this provision. Lottery heretofore authorized not to be permitted to be drawn or its tickets sold. (Miss. IV 98.)

Not to be allowed, advertised, or tickets sold in state, and legislature to provide at next session for enforcement of this provision. (S.C. XVII 7.)

Not to be hereafter authorized by law, and buying, selling or transferring of tickets or chances in any lottery prohibited. (Va. IV 60.)

Legislature to pass laws prohibiting establishment of lotteries and gift enterprises in this state, as well as sale of tickets in lotteries, gift enterprises or other evasions involving lottery principle, established or existing in other states. (Tex. III 47.)

Lotteries and gift enterprises are forbidden, and no privileges shall be granted for such purposes, and none shall be exercised, and no schemes for similar purposes shall be allowed. Legislature to enforce this section by proper penalties. All lotteries, privileges or charters heretofore granted are revoked. (Ky. 226.)

Legislature to have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit sale of lottery or gift enterprise tickets or tickets in scheme in nature of lottery in state; all acts or parts of acts heretofore passed by legislature authorizing lottery or lotteries, and all acts amendatory or supplemental avoided. (Ala. IV 65; Mo. XIV 10.)

LYNCHING

If prisoner taken from jail or from custody of sheriff or deputy and put to death, or suffers grievous bodily harm owing to neglect, connivance, cowardice or other grave fault of sheriff, sheriff may be impeached. (Ala. V 138.)

If prisoner taken from state, county or municipal officer through his negligence, permission or connivance, by mob, and suffers bodily vio-

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LYNCHING (*Cont'd*)

ence or death, officer to be deemed guilty of misdemeanor and on indictment to be deposed from office pending trial, and on conviction shall forfeit office, and, unless pardoned by governor, be ineligible to hold office of trust or profit in state. Trial to be in such county in same circuit (other than one in which offense committed) as attorney-general may elect. Fees and mileage of witnesses to be paid by state treasurer in manner prescribed by law. If death ensues county where lynching takes place shall be liable in exemplary damages of not less than $2,000 to legal representatives, but may recover amount of judgment from parties engaged in lynching. (S.C. VI 6.)

MAGISTRATES, *See* COURTS.

MANUFACTURE

For provisions relating to industry, See INDUSTRY.

Labor, *See* LABOR.

Monopolies or trusts in, *See* MONOPOLIES AND TRUSTS.

Taxation, *See* TAXATION — EXEMPTIONS — MANUFACTURING.

Secretary of internal affairs to discharge such duties relating to manufacturing interests of state as may be prescribed by law. (Pa. IV 19.)

Special, private and local laws regulating, prohibited. (Ky. 59; Mo. IV 53; Pa. III 7; Tex. III 56; Va. IV 63.)

Legislature to pass such laws as will foster and aid agricultural, mining and manufacturing interests of state and may create bureau to be known as the mining, manufacturing and agricultural bureau. (Ark. X 1.)

Legislature shall provide by general law for incorporating such mechanical companies or associations as deemed necessary. (Fla. III 25.)

Legislature may not incorporate or amend or extend charter of manufacturing corporation by local or special law if not under control of state. (S.C. III 34.)

Manufacturing corporations may carry manufactures on their own railroads or canals not exceeding 50 miles long. (Pa. XVII 5.)

MARRIAGE

Divorce, *See* DIVORCE.

Polygamy, *See* POLYGAMY.

Legislature never to pass laws authorizing or legalizing marriage between whites and negroes, or descendants of negroes. (Ala. IV 102.)

Of white person with negro or mulatto or person who has one-eighth or more negro blood to be void. (Miss. XIV 263; S.C. III 33.)

Between white person and negro, or person of negro descent to third generation inclusive, prohibited. (N.C. XIV 8.)

Of white persons with negroes, mulattoes or persons of mixed blood, descended from a negro to third generation, inclusive, or their living together as man and wife in this state prohibited. (Legislature to enforce this provision.) (Tenn. XI 14.)

Of white person and negro or person of negro descent to fourth generation, inclusive, prohibited. (Fla. XVI 24.)

No contract of marriage, if otherwise duly made, to be invalidated for want of conformity to requirements of any religious sect. (Cal. XX 7.)

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MARRIAGE (*Cont'd*)

Causes of marriage to be heard and tried by superior court until legislature makes other provisions by law. (N.H. II 75.)

Causes of marriage to be heard and determined by governor and council until legislature provides otherwise. (Mass. Pt. II Ch. III 5.)

MARTIAL LAW

Subordination of military to civil power, *See* MILITARY POWER, SUBORDINATION OF.

Governor may use and exercise over army and navy, and over militia in actual service, martial law, in time of war or invasion, and also in time of rebellion, declared by legislature to exist, as occasion shall necessarily require. (Mass. Pt. II Ch. II Sec. I 7; N.H. II 50.)

Martial law in sense of unrestricted power of military officers, or others, to dispose of persons, liberties or property of citizens, is inconsistent with principles of free government and is not confided to any department of the state government. (Tenn. I 25.)

Shall be used and exercised only as occasion shall necessarily require. (R.I. I 18.)

No person in state can be subjected to or punishable by martial law except those employed in army, and militia in actual service. (Vt. I 17.)

No citizen of state punishable under martial or military law except those employed in United States army, or militia in actual service. (Tenn. I 25.)

No person ought to be subject to or punishable by martial law except regular soldiers, marines and mariners in service of state, or militia when in actual service. (Md. D.R. 32.)

No person can be subject to or punishable by martial law except those employed in army and navy, and militia in actual service, but by authority of legislature. (Mass. Pt. I 28; N.H. I 34; S.C. I 27.)

No citizen shall be tried or punished by any military court for any offense cognizable by civil courts of state, unless engaged in military service of the state. (W.Va. III 12.)

No person shall be subject to corporal punishment under military law except those in army or navy, or in militia when in actual service in time of war or public danger. (Me. I 14.)

MASTERS IN CHANCERY, *See* COURTS — CHANCERY COURTS.

MATERIAL MEN'S LIENS, *See* LIENS.

MEASURES, *See* INSPECTION.

MECHANICS' LIENS, *See* LABOR.

MILITARY POWER, SUBORDINATION OF

To be subordinate to civil power. (Ala. I 27; Ark. II 27; Ariz. II 20; Cal. I 12; Colo. II 22; Conn. I 18; Del. I 17; Fla. D.R. 21; Ga. I Sec. I 19; Ida. I 12; Ill. II 15; Ind. I 33; Iowa I 14; Kan. B.R. 4; Ky. 22; La. 14, 173; Me. I 17; Mich. II 6; Minn. I 14; Miss. III 9; Mo. II 27; Mont. III 22; Nebr. I 17; Nev. I 11; N.J. I 12; N.M. II 9; N.D. I 12; Ohio I 4; Okla. II 14; Ore. I 27; Pa. I 22; R.I.

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MILITARY POWER, SUBORDINATION OF (*Cont'd*)

I 18; S.D. VI 16; Tenn. I 24; Tex. I 24; Utah I 20; Wash. I 18; W.Va. III 12; Wis. I 20; Wyo. I 25.)

To be held in subordination to civil power, and governed by it. (Mass. Pt. I 17; S.C. I 26.)

Ought to be under strict subordination to, and control of, civil power. (Md. D.R. 30; N.H. I 26; N.C. I 24; Vt. I 16; Va. I 13.)

MILITARY RECORDS, BANNERS AND RELICS

See also HISTORY.

Legislature to provide for safe-keeping of military records, banners and relics of state. (Ala. XV 277; Colo. XVII 4; Ida. XIV 4; Ill. XII 5; Ky. 223; Mo. XIII 7; Mont. XIV 4; S.D. XV 6.)

To be preserved, except when in lawful use, in adjutant-general's office. (Ida. XIV 4; S.D. XV 6.)

MILITIA

ACTIVE MILITIA, *See below, this title*, ORGANIZED MILITIA.

ADJUTANT-GENERAL

Appointed by governor. (Ind. XII 2; Ky. 222; Me. Amend. XXVIII; Mass. Pt. II Ch. II Sec. I 10; Mo. XIII 6; Ohio IX 3; Ore. X 3; Tenn. VIII 2.)

Appointed by governor; chief officer of governor's staff, with rank of major-general; duties and compensation prescribed by law; present adjutant-general's term not affected. (Fla. IV 16.)

Appointed by governor with advice and consent of senate; holds office until successor qualified or until he is removed by sentence of court martial; performs such duties and receives such compensation or emoluments as prescribed by law; discharges duties at seat of government unless absent under orders, on duty. (Md. IX 2.)

Appointed by governor and appointment expires with governor's term of office. (Miss. IX 219.)

"Adjutant- and inspector-general" to be elected by qualified voters of state at same time and in same manner as other state officers, for term of two years and until successor qualified; to rank as brigadier-general and duties and compensation to be prescribed by law; compensation not to be increased or decreased during period for which elected. (S.C. IV 24, XIII 4.)

Ineligible to office of justice of highest court or of inferior courts, county attorney, attorney-general, treasurer, district attorneys, judge of probate, register of probate, register of deeds, sheriff or deputy, clerk of judicial court, member of legislature. (Me. IX 2.)

Legislature to provide by law salary commensurate with duties of office. (Miss. IX 219.)

Performs duties of quartermaster-general until otherwise directed by law. (Me. VII 3, Amend. XXVIII.)

ADMIRAL OF NAVY

Governor to be commander-in-chief of navy and of military forces of state, by sea and land, and to instruct and govern same, by himself or officers, and entrusted with all powers incident to office of admiral, to be exercised only according to constitution and laws of land. (Mass. Pt. II Ch. II Sec. I 7; N.H. II 50.)

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MILITIA (*Cont'd*)

AIDES-DE-CAMP

Of the governor or of a particular officer, See throughout this title.

ARMS AND ACCOUTREMENTS, SAFE-KEEPING OF

Legislature to provide for safe-keeping of public arms. (Colo. XVII 4; Ky. 223; Mo. XIII 7; Mont. XIV 4; Nebr. XII 1.)

Same; adds "ammunition". (Ala. XV 277.)

Same; adds "protection". (Ohio IX 5; Wash. X 4.)

Legislature may provide for safe-keeping of public arms. (Fla. XIV 2.)

ARREST, PRIVILEGE FROM

During attendance on musters, and in going to and returning from same, except for treason, felony or breach of peace. (Miss. IX 220.)

Same; adds "elections". (Ill. XII 4; S.D. XV 5.)

Same; adds "elections of officers". (Ark. XI 3; Wash. X 5.)

Same; adds "parades and elections". (N.D. XIII 193.)

Same; extends also to "volunteer forces" and adds "parades and elections". (Ala. XV 275; Mo. XIII 5.)

Militia and volunteer forces, except for treason, felony or breach of peace, exempt from arrest by warrant or other process while in active service or while attending muster or election of officers or while going to or returning from either of same. (S.C. XIII 2.)

BATTALIONS

Commanding officers of battalions appoint their own staffs. (Me. VII 3; Ohio IX 3.)

Same; adds "as may be provided by law". (Ala. XV 276.)

Same; except reads "staff officers". (Ky. 222; Ore. X IV.)

Commanding officers of "independent battalions" appoint their own staffs. (N.J. VII Sec. I 10.)

Field officers of independent battalions elected by commissioned officers of their battalions. (N.J. VII Sec. I 3.)

Militia officers elected by persons subject to military duty within bounds of their several battalions, etc., as legislature may prescribe. (Tenn. VIII 1.)

BILLETING, *See* SOLDIERS AND SAILORS.

BRIGADES

Militia officers elected by persons subject to military duty within bounds of their several brigades, etc., as legislature may prescribe. (Tenn. VIII 1.)

Inspectors of brigades chosen by field officers of their brigades. (N.J. VII Sec. I 7.)

BRIGADIER-GENERALS

Appointed by governor with advice and consent of senate. (Mo. XIII 6.)

One appointed and commissioned by governor, with consent of senate, for each congressional district; to be a resident of district for which appointed. (Miss. IX 218.)

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MILITIA (*Cont'd*)

BRIGADIER-GENERALS (*Cont'd*)

Four appointed by governor, to rank according to date of commission. (Fla. XIV 3.)

Elected by two houses of legislature, in joint assembly (with presiding officer of senate presiding and voting in case of tie) "as often as there shall be occasion". (Vt. II 42, 43.)

Elected by persons subject to military duty in their respective districts. (Ohio IX 2.)

Elected by field officers of their brigades. (N.J. VII Sec. I 4.)

Same; adds "in manner to be prescribed by law". (Me. VII 1, 2.)

Elected by field officers of their brigades; commissioned by governor who determines rank. (Mass. Pt. II Ch. II Sec. I 10.)

"Adjutant- and inspector-general" to rank as brigadier-general. (S.C. XIII 4.)

Vacancies caused by neglect or refusal to elect may be filled by governor, after due notification, according to law. (Me. VII 1, 2.)

Same; by governor "with advice of council". (Mass. Pt. II Ch. II Sec. I 10.)

Appoint their brigade-majors. (Mass. Pt. II Ch. II Sec. I 10; N.H. II 53.)

Appoint their own staffs. (Ky. 222; Ohio IX 3.)

Same; except reads "staff officers". (Me. VII 3; N.J. VII Sec. I 10; Ore. X 4.)

Same; adds "as may be provided by law". (Ala. XV 276.)

CALLING OUT

Governor may call out militia to execute laws, suppress insurrection and repel invasion. (Ala. V 131; Cal. VIII 1; Ida. IV 4; Ill. V 14; Ind. V 12; Kan. VIII 4; Md. II 8; Mich. VI 4; Minn. V 4; Mo. V 7; Nebr. V 14; Nev. XII 2; N.D. III 75; Ohio IX 5; Ore. V 9; S.D. IV 4; Utah VII 4; Wash. X 2; W.Va. VII 12; Wyo. IV 4.)

Same; except reads "embody" militia. (Va. V 73.)

Same; except reads "whole or any part" of militia. (Mont. VII 6.)

Same; adds to "suppress riots". (Miss. IX 217; N.C. XII 3.)

Same; adds "to preserve the public peace". (Fla. XIV 4; N.M. V 4; Wyo. XVII 5.)

Same; adds "to protect the public health". (Okla. VI 6.)

Same; adds "to protect the frontier from hostile incursions by Indians or other predatory bands". (Tex. IV 7.)

Governor may call out volunteer and militia forces, either or both, to execute laws, repel invasion, suppress insurrection and preserve public peace. (S.C. XIII 3.)

Governor may, when legislature not in session, call out volunteers or militia, or both, to execute laws, repel invasion, repress insurrection and preserve public peace, in such manner as authorized by law. (Ark. XI 4.)

Governor may call militia into active service for preservation of law and order or when public service requires it. (La. 301.)

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MILITIA (*Cont'd*)

CALLING OUT (*Cont'd*)

Powers of governor to assemble inhabitants for offense and defense declared generally. (Mass. Pt. II Ch. II Sec. I 7; N.H. II 50.)

Forbidden except in case of rebellion or invasion and then only when legislature shall declare by law that public safety requires it. (Tenn. III 5.)

Governor need not command in person unless directed to do so by legislature. (Ala. V 131.)

CAPTAINS, *See below, this title,* COMPANIES.

COLONELS, *See below, this title,* REGIMENTS.

COMMANDER-IN-CHIEF, *See below, this title,* GOVERNOR AS COMMANDER-IN-CHIEF.

COMMISSIONED OFFICERS, *See below, this title,* OFFICERS.

COMMISSARY-GENERAL

Appointed by governor. (Ind. XII 2.)

Chosen by joint ballot of members of two houses, assembled in one room. (N.H. II 66.)

When exigencies may require appointment of commissary-general, legislature shall prescribe manner of his nomination, appointment and commission. (Mass. Amend. IV.)

Ineligible to office of governor or to seat in senate, lower house or council; appointment as commissary-general vacates same. (N.H. II 94.)

Must account once every three months, without requisition (and at other times if required by governor) for all goods, stores and other public property under his care, distinguishing quantity, number, quality and kind. (Mass. Pt. II Ch. II Sec. I 12.)

Same; but mentions only "quantity and kind". (N.H. II 56.)

COMPANIES

Company officers commissioned by governor. (Colo. XVII 3; Mass. Pt. II Ch. II Sec. I 10; N.H. II 47.)

Captains and subalterns in regiments nominated and recommended by field officers to governor who is to issue commission immediately on receipt of recommendation, but not to be nominated and recommended until found qualified by examining board appointed by governor. (N.H. II 47.)

Captains and subalterns elected by written votes of trainband and alarm list of their companies, all members under 21 years of age also having right to vote. (Mass. Pt. II Ch. II Sec. I 10, Amend. V.)

Captains and subalterns elected by written votes of members of their companies in manner to be prescribed by legislature. (Me. VII 1, 2.)

Captains and subalterns elected by persons subject to military duty in their respective districts. (Ohio IX 2.)

Captains and other company officers (subalterns) elected by members of their companies. (Ala. XV 273; Colo. XVII 3; N.J. VII Sec. I 2; Vt. II 55.)

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MILITIA (*Cont'd*)

COMPANIES (*Cont'd*)

Company officers not elected by company within time prescribed by law may be appointed by governor. (Ala. XV 273; Colo. XVII 3.)

Same; adds after notification according to law. (Me. VII 1, 2.)

Same; adds after due notification according to law, by governor with advice of council. (Mass. Pt. II Ch. II Sec. I 10.)

Same; but omits mention of prescribed time. (N.J. XII Sec. I 7.)

Same; or where governor has ordered an election. (Mo. XIII 3.)

Company non-commissioned officers and musicians appointed by captains. (Ohio IX 3.)

Company non-commissioned officers appointed by captains and subalterns. (N.H. II 53.)

Company non-commissioned officers appointed by company commanding officers, subject to approval of regimental or battalion commanders. (Ky. 222.)

Company non-commissioned officers elected by members of their companies. (N.J. VII Sec. I 2.)

Captains and subalterns "nominate and recommend" field officers of their regiments. (Vt. II 55.)

Militia officers elected by persons subject to military duty within bounds of their several companies, etc., as legislature may prescribe. (Tenn. VIII 1.)

Legislature to empower board of supervisors of each county to aid in supporting company or companies of national guard within county, as may be prescribed by law. (Miss. IX 222.)

CONSTITUTION OF MILITIA

Of organized militia, See below, this title, ORGANIZED MILITIA.

All white male citizens, residents of state, between 18 and 45, shall be enrolled in militia and perform military duty as prescribed by law not incompatible with United States constitution and laws. (Ohio IX 1.)

All able-bodied male inhabitants of state, between 18 and 45, except such as are exempted by law. (Utah XV 1.)

All able-bodied male citizens of state, between 18 and 45, shall be liable to military duty in militia, as legislature may provide. (Miss. IX 214.)

All able-bodied male citizens of state between 18 and 45 and those between said ages who have declared intention to become citizens of United States, residing therein, subject to exemptions now or hereafter made by United States or state laws. (Ariz. XVI 1.)

All able-bodied male persons, resident of state, between 18 and 45, shall be enrolled in militia and perform such military duty as shall be required by law. (Ida. XIV 1.)

All able-bodied male inhabitants of state, between 18 and 45, who are citizens of United States or have declared their intentions; constitute militia. (Fla. XIV 1.)

Same; except substitutes "liable to military duty in the militia". (Mo. XIII 1.)

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MILITIA (*Cont'd*)

CONSTITUTION OF MILITIA (*Cont'd*)

All able-bodied male citizens of state, between 18 and 45, except such as exempted by United States and state laws. (Iowa VI 1; Mich. XV 1; Mont. XIV 1; N.M. XVIII 1; Ore. X 1; S.C. XIII 1; Wyo. XVII 1.)

Same; adds "residents of the state". (N.Y. XI 1.)

Same; except reads that such persons are "liable to military duty". (Wash. X 1.)

All able-bodied male persons, residents of state, between 18 and 45, except such as exempted by United States or state laws. (Ark. XI 1; Colo. XVII 1; Ill. XII 1; Ky. 219; N.D. XIII 188; S.D. XV 1.)

Same; except reads "all able-bodied white male persons". (Ind. XII 1.)

Same; except age limits, 21 to 45. (Kan. VIII 1.)

All able-bodied male citizens of state, between 21 and 40, who are citizens of United States, liable to do duty in militia; but legislature may make exemptions deemed necessary. (N.C. XII 1, 4.)

As to exemptions, *See also below, this title,* EXEMPTION FROM SERVICE.

All male citizens of state subject to performance of military duty within such ages as may be prescribed by law. (Tenn. IV 1.)

Legislature may determine who shall constitute the militia. (Ala. XV 271; Ga. X Sec. I 1; La. 298.)

Same; except "shall" determine or provide. (Nebr. XIII 1; Wis. IV 29.)

Freemen of state to be armed, organized and disciplined for its defense when and in manner directed by law. (Pa. XI 1.)

Inhabitants of state to be trained and armed for its defense under such regulations, pursuant to United States Constitution, as Congress and legislature may direct. (Vt. II 55.)

Militia divided into sedentary and active militia in manner prescribed by law. (Ind. XII 5.)

Organized and divided into such land and naval, and active and reserve forces, as the legislature may deem proper. (N.Y. XI 3.)

Legislature may provide for enlistment into active force of persons who make application not included within definition of militia. (N.Y. XI 2.)

CORPORAL PUNISHMENT

Permitted under military law only in army or navy, or in militia when in actual service in time of war or public danger. (Me. I 14.)

COURTS-MARTIAL, *See below, this title,* OFFICERS — REMOVAL.

DISCIPLINE, *See below, this title,* ORGANIZATION, EQUIPMENT AND DISCIPLINE.

DIVISIONS

Each congressional district to constitute a militia division (political). (Miss. IX 218.)

Militia officers elected by persons subject to military duty within bounds of their several divisions, etc., as legislature may prescribe. (Tenn. VIII 1.)

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MILITIA (*Cont'd*)

ELECTIONS

Service on election day, *See* ELECTIONS — PRIVILEGES OF ELECTORS.

Votes during war, *See* ELECTIONS — DURING WAR.

ENCOURAGEMENT OF MILITIA

Legislature to provide for encouragement of volunteer corps. (Fla. XIV 2.)

Same; "effectual" encouragement. (Nev. XII 1.)

Legislature to pass such laws to promote volunteer militia organization as may afford them effectual encouragement. (Ida. XIV 2; Md. IX 1.)

EQUIPMENT, *See below, this title,* ORGANIZATION, EQUIPMENT AND DISCIPLINE.

EXAMINING BOARDS FOR OFFICERS

Governor to appoint examining board to pass on qualifications of captains and subalterns in regiments. (N.H. II 47.)

EXEMPTION FROM ARREST, *See above, this title,* ARREST, PRIVILEGE FROM.

EXEMPTION FROM SERVICE

See also above, this title, CONSTITUTION OF MILITIA.

Money paid for exemption, as part of school fund, *See* EDUCATION — FUNDS.

No male citizen of any religious creed or opinion exempt from military duty except upon such conditions as may be prescribed by law. (Fla. XIV 1.)

Quakers, Shakers, supreme court justices and ministers of gospel may be exempted from military duty, but no other person between 18 and 45, except honorably discharged militia officers, shall be so exempted unless he pay an equivalent fixed by law. (Me. VII 5.)

No citizen of state to be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law. (Tenn. I 28.)

Persons averse to bearing arms, from religious scruples, exempt from military duty. (N.C. XII 1; S.C. XIII 1.)

Legislature to pass laws exempting citizens belonging to sect or denomination of religion, whose tenets known to oppose bearing of arms, from attending private and general musters. (Tenn. VIII 3.)

Citizens of any religious denomination having scruples of conscience averse to bearing arms exempted upon such conditions as may be prescribed by law. (Kan. VIII 1; Mich. XV 1.)

Same; except omits "of any religious denomination". (Wyo. XVII 1.)

Legislature may exempt from military service persons having conscientious scruples against bearing arms. (Pa. XI 1.)

Same; adds "but such persons shall pay equivalent for exemption". (Ky. 220.)

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MILITIA (*Cont'd*)

EXEMPTION FROM SERVICE (*Cont'd*)

Persons having conscientious scruples against bearing arms not compelled to do militia duty in time of peace, but shall pay an equivalent for such exemption. (Colo. XVII 5; Ill. XII 6; Wash. X 6.)

Same; except omits requirement of payment of equivalent. (S.D. XV 7.)

Same; adds "in same manner as other citizens". (Iowa VI 1.)

Same as to exemption; but to pay into school fund of county of residence equivalent in money; amount and manner to be prescribed by legislature. (Ida. XIV 1.)

Persons whose religious tenets or conscientious scruples forbid bearing arms exempt in time of peace, but to pay an equivalent for personal service. (N.D. XIII 188; Ore. X 2.)

Persons who conscientiously scruple to bear arms not to be compelled to do so but to pay an equivalent for personal service. (Tex. XVI 47.)

Same; except "religiously scrupulous", and equivalent to be prescribed by law. (Mo. XIII 1.)

No man conscientiously scrupulous of bearing arms can justly be compelled thereto, if he will pay equivalent. (Vt. I 9.)

Same; "no person". (N.H. I 13.)

Persons conscientiously opposed to bearing arms not compelled to do militia duty but shall pay an equivalent for such exemption, the amount to be prescribed by law. (Ind. XII 6.)

Legislature may exempt from military service those belonging to religious societies whose tenets forbid bearing arms, but money equivalent for service shall be exacted. (La. 300.)

FIELD OFFICERS

Appointed and commissioned by governor. (Colo. XVII 3.)

Nominated and appointed by governor and at least majority of council; nomination must precede appointment by at least three days. (N.H. II 45.)

If electors neglect or refuse to make elections of field officers, governor may fill all vacancies thus caused. (N.J. VII Sec. I 7.)

FINES, IMPRISONMENT FOR, *See* IMPRISONMENT FOR DEBT.

FLAGS AND BANNERS

Preservation of, *See* MILITARY RECORDS, BANNERS AND RELICS.

Military organiations provided for by constitution or laws, and receiving state support, while under arms, either for ceremony or duty, to carry no device, banner or flag of any state or nation except that of United States or this state. (Cal. VII 2.)

All military organizations under laws of state to carry no other device, banner or flag than that of United States or state. (Ida. XIV 5.)

No military organization under laws of state to carry any banner or flag representing any sect or society or flag of any nationality but that of United States. (Wyo. XVII 4.)

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MILITIA (*Cont'd*)

GENERAL DECLARATIONS

A well regulated militia necessary to security of a free state. (La. 8; N.C. I 24; S.C. I 26.)

A well regulated militia essential to peace and security of the state. (Ga. X Sec. I 1.)

A well regulated militia, the proper, natural and sure defense of a state. (N.H. I 24.)

A well regulated militia the proper and natural defense of a free government. (Md. D.R. 28.)

A well regulated militia sure and certain defense of a free people. (Tenn. I 24.)

A well regulated militia, composed of body of people, trained to arms, is the proper, natural and safe defense of a free state. (Va. I 13.)

Every member of society has right to be protected in enjoyment of life, liberty and property and therefore is bound to yield his personal service when necessary or an equivalent thereto. (Mass. Pt. I 10; N.H. I 12; Vt. I 9.)

GENERAL OFFICERS

Appointed by governor, with advice and consent of senate, for term of four years. (Ala. XV 276.)

Appointed and commissioned by governor. (Colo. XVII 3.)

Nominated and appointed by governor and at least majority of council; nomination must precede appointment by at least three days. (N.H. II 45.)

Appoint their own staffs, as may be provided by law. (Ala. XV 276.)

Brigadier-generals, *See above, this title,* BRIGADIER-GENERALS.

Major-generals, *See above, this title,* MAJOR-GENERALS.

GOVERNOR AS COMMANDER-IN-CHIEF

Absence from State

When out of state, with consent of legislature, in time of war, at head of military force, to continue commander-in-chief of all military forces of state. (Mont. XIV 5; Nev. V 18; N.Y. IV 6; Wis. V 7.)

When out of state at head of a state military force to continue commander-in-chief of all the military forces of state. (Mich. VI 6.)

Commanding in Person

Need not command militia and volunteer forces in person, when called out, unless directed to do so by legislature. (Ala. V 131.)

Need not command militia in person, when called out unless directed to do so by resolution of legislature. (Mo. V 7.)

Not to command militia in person without consent of legislature. (Md. II 8.)

Not to command personally in field unless advised to do so by resolution of legislature. (Ky. 75.)

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MILITIA (*Cont'd*)

GOVERNOR AS COMMANDER-IN-CHIEF (*Cont'd*)

Commanding in Person (*Cont'd*)

Not to command in person in time of war or insurrection, unless by advice and consent of senate, and no longer than they approve. (Vt. II 20.)

Exception of Federal Service

Governor not to be commander-in-chief (by whatever title known) of state forces when same called into service of United States. (Ala. V 131; Ariz. V 3; Conn. IV 5; Del. III 8; Fla. IV 4; Ill. V 14; Ky. 75; Miss. V 119, IX 217; Mo. V 7; Mont. VII 6; Nebr. V 14; Nev. V 5; N.M. V 4; N.C. III 8; N.D. III 75; Ohio III 10; Okla. VI 6; R.I. VII 3; Tenn. III 5; Utah VII 4; Wash. III 8; W.Va. VII 12; Wyo. IV 4.)

Same; except reads "actual" service of United States. (Ark. VI 6; Colo. IV 5; Ida. IV 4; La. 73; Me. V Pt. I 7; Mont. VII 6; S.C. IV 10; Tex. IV 7.)

Same; except reads "active" service of United States. (Pa. IV 7.)

Rank

Legislature to fix rank of governor when he is acting in federal service. (Ala. V 131.)

Title

Commander-in-chief of militia. (Kan. VIII 4; La. 73; Miss. IX 217; Mo. V 7; Mont. VII 6; N.C. XII 3; Okla. VI 6; S.C. IV 10.)

Commander-in-chief of military forces of the state. (Ariz. V 3; Colo. IV 5; Fla. IV 4; Ida. IV 4; Nev. V 5; N.M. V 4; N.C. III 8; N.D. III 75; Tex. IV 7; Utah VII 7; W.Va. VII 12; Wyo. IV 4.)

Same; adds "all" the military forces. (Wyo. XVII 4.)

Commander-in-chief of National Guard of New Mexico. (N.M. XVIII 1.)

Commander-in-chief of "military in the state". (Wash. III 8.)

Commander-in-chief of militia and volunteer forces of the state. (Ala. V 131.)

Commander-in-chief of militia, army and navy of the state. (Cal. V 5; Del. III 8; Iowa IV 7; Ky. 75; Me. V Pt. I 7; Tenn. III 5.)

Commander-in-chief of military and naval forces of the state. (Ark. VI 6; Ill. V 14; Ind. V 12; Md. II 8; Mich. VI 4; Minn. V 4; Nebr. V 14; N.J. V 6; N.Y. IV 4; Ohio III 10; Ore. V 9; S.D. IV 4; Wis. V 4.)

Commander-in-chief of army and navy of state and of militia. (Ga. V Sec. I 11; Miss. V 119; Pa. IV 7.)

Commander-in-chief of army and navy and of all military forces of state, by sea or land, and entrusted with all powers incident to offices of captain-general and commander-in-chief, and admiral, to be exercised only according to constitution and laws of land. (Mass. Pt. II Ch. II Sec. I 7; N.H. II 50)

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MILITIA (*Cont'd*)

GOVERNOR AS COMMANDER-IN-CHIEF (*Cont'd*)

Title (*Cont'd*)

Commander-in-chief of the land and naval forces of state. (Va. V 73.)

Captain-general and commander-in-chief of military and naval forces of the state. (R.I. VII 3.)

Captain-general and commander-in-chief of the forces of the state. (Vt. II 20.)

Captain-general of the militia. (Conn. IV 5.)

GOVERNOR'S STAFF

Appointed by governor. (Ky. 222; Mo. XIII 6; Ore. X 3; Tenn. VIII 2.)

Same; when acting in federal service. (Ala. V 131.)

Appointed by governor as may be provided by law. (Ala. XV 276.)

Staff officers (including adjutant-general), to commander-in-chief, appointed by governor; appointment expires with governor's term of office. (Miss. IX 219.)

Governor's aides-de-camp and military secretary appointed by him, to hold office during his pleasure, their commissions to expire with term for which he was elected. (N.Y. XI 4.)

Chief officer of governor's staff is adjutant-general. (Fla. IV 16.)

HOME FOR DISABLED MILITIAMEN

Legislature to provide home for members of militia disabled while in line of duty who are *bona fide* citizens of state (and for certain other citizens). (Wash. X 3.)

INSPECTOR-GENERAL

"Adjutant and inspector-general" to be elected by qualified voters of state at same time and in same manner as other state officers, for term of two years and until successor qualified; to rank as brigadier-general and duties and compensation to be prescribed by law; compensation not to be increased or decreased during period for which elected. (S.C. IV 24, XIII 4.)

LAWS

Legislature to pass such laws to promote volunteer militia organization as may afford them effectual encouragement. (Md. IX 1.)

Existing militia law to expire at end of next session of legislature except as re-enacted subject to constitution. (Md. IX 3.)

Legislature may enact laws for government of militia. (N.C. XII 4.)

Change of existing mode of election and appointment of officers or non-commissioned officers requires law passed by two-thirds of members present in each house. (Not applicable to chiefs of staff departments, aides-de-camp, military secretary and major-generals.) (N.Y. XI 5.)

LINE OFFICERS

Elected by persons subject to military duty in their respective districts. (Ore. X 3.)

Governor commissions all officers of the line, "ranking as such". (Ohio IX 4; Ore. X 5.)

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MILITIA (*Cont'd*)

MAINTENANCE, COST OF

Legislature to make annual appropriation for efficient support and maintenance of "Mississippi national guard", but no part of such funds to be used in payment of guard except when in actual service. (Miss. IX 221.)

Legislature to make sufficient appropriations for maintenance of militia. (N.Y. XI 3.)

Legislature to provide for maintenance of militia. (N. M. XVIII 2.)

Same; "organized militia" in place of "militia". (Ky. 220.)

Same; adds "by appropriations from the state treasury". (Mont. XI 1, XIV 3.)

MAJOR-GENERALS

See also above, this title, GENERAL OFFICERS.

Appointed by governor with advice and consent of senate. (Mo. XIII 6; N.J. VII Sec. I 5; N.Y. XI 4.)

One appointed and commissioned by governor, with consent of senate, for the state, who shall be a citizen of state. (Miss. IX 218.)

Two appointed by governor, to rank according to date of commission. (Fla. XIV 3.)

Elected by senate and lower house, each having a negative on the other. (Me. VII 3; Amend XXVIII.)

Same; adds "and commissioned by the governor". (Mass. Pt. II Ch. II Sec. I 10.)

Elected by two houses of legislature, in joint assembly (with presiding officer of senate presiding and voting in case of tie) "as often as there shall be occasion". (Vt. II 42, 43.)

Elected by persons subject to military duty in their respective districts. (Ohio IX 2.)

Adjutant-general of the state to have rank of major-general. (Fla. IV 16.)

Appoint their staff officers. (Ky. 222; Me. VII 3, Amend. XXVIII; Ore. X 4.)

Same; except "staff" for "staff officers". (Ala. XV 276; Ohio IX 3.)

Same; except "aids" for "staff officers". (Mass. Pt. II Ch. II Sec. I 10; N.H. II 53.)

Same; except reads "staff officers of their divisions". (N.J. VII Sec. I 10.)

MAJORS

See above, this title, BATTALIONS.

See above, this title, FIELD OFFICERS.

MARTIAL LAW, *See* MARTIAL LAW.

MILITARY RECORDS, BANNERS AND RELICS, *See* MILITARY RECORDS, BANNERS AND RELICS.

MILITARY SECRETARY TO GOVERNOR

Appointed by governor to hold office during his pleasure and commission to expire with term for which governor was elected. (N.Y. XI 4.)

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MILITIA (*Cont'd*)

"MILITIA WARRANT"

Legislature not to validate any part of "militia warrant alleged to be outstanding against the territory"; this not to be construed as authorizing suit against state. (N.M. IX 6.)

NATIONAL GUARD

See also below, this title, ORGANIZED MILITIA, *and throughout this title.*

Legislature to empower board of supervisors of each county to aid in supporting company or companies of national guard in county, as may be prescribed by law. (Miss. IX 222.)

Legislature to make annual appropriation for efficient support and maintenance of "Mississippi national guard". (Miss. IX 221.)

Shall consist of not less than 100 men for each senator and representative in Congress. (Miss. IX 221.)

Organization, equipment and discipline shall conform as nearly as practicable to regulations for government of armies of United States. (Ariz. XVI 3.)

Organized militia to be designated as "The National Guard of Arizona". (Ariz. XVI 2.)

Governor is commander-in-chief of "national guard of New Mexico". (N.M. XVIII 1.)

NAVAL MILITIA

See also below, this title, ORGANIZED MILITIA, *and throughout this title.*

Legislature may provide for "a state and naval militia". (Ala. XV 271.)

Militia may be organized into such land and naval forces as legislature deems proper. (N.Y. XI 3.)

Volunteer organizations may be formed in such manner and under such restrictions and with such privileges as may be provided by law. (Ala. XV 274.)

Officers of the navy nominated and appointed by governor and at least majority of council; nomination must precede appointment by at least three days. (N.H. II 45.)

Governor to have full power by himself or through officers, to train, instruct, exercise and govern the navy. (Mass. Pt. II Ch. II Sec. I 7; N.H. II 50.)

Governor to be commander-in-chief of navy and of all military forces of state, by sea and land, and entrusted with all powers incident to office of admiral, to be exercised only according to constitution and laws of land. (Mass. Pt. II Ch. II Sec. I 7; N.H. II 50.)

NONCOMMISSIONED OFFICERS

Of companies, *See above, this title,* COMPANIES.

Chosen or appointed in manner legislature may deem most conducive to improvement of militia but law changing existing mode of election and appointment requires two-thirds of members present in each house. (N.Y. XI 5.)

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MILITIA (*Cont'd*)

OFFICERS

For provisions relating to all officers, and hence to military officers, See PUBLIC OFFICERS.

Arrest or Suspension

Governor may suspend or arrest any officer for disobedience of orders or other offense. (Md. II 15.)

Commissions

All officers commissioned by governor. (Cal. VIII 1; Ida. XIV 3; Ill. XII 3; Ind. XII 3; Iowa VI 3; Me. VII 3; N.J. VII Sec. I 6; N.D. XIII 192; S.D. XV 4; Wash. X 2; Wyo. XVII 3.)

Same; "as commander-in-chief". (N.Y. XI 6.)

Manner of commission to be prescribed by law. (Kan. VIII 3; Mich. XV 3.)

Oath of Office

Every person "chosen or appointed" to military office to take oath to bear true faith and allegiance to state, and to support constitution thereof; affirmation allowed to Quakers. Legislature may prescribe other forms. (Mass. Pt. II Ch. I Sec. I 4, Amend. VI.)

Same; with addition of oath to faithfully and impartially discharge duties according to best of abilities, agreeably to rules and regulations of this constitution and state. Affirmation allowed. (N.H. II 5, 83.)

To be bound by oath or affirmation to support this constitution and constitution of United States. (R.I. IX 4.)

All officers under authority of state to take oath or affirmation to support constitution of United States and of state and to demean themselves faithfully in office. (Mo. XIV 6.)

Before entering on duties of office to take oath to support constitution of United States and of state, and to faithfully discharge duties of office; affirmation allowed. (Ark. XIX 20.)

Qualifications and Disqualifications

No person to be elected or appointed to any military office who is not a citizen of United States and resident of state at least one year preceding election or appointment. (Ill. VII 6; Mo. VIII 12.)

No person to be elected or nominated to any military office who is not a citizen of United States and who shall not have resided in this state at least one year next before his election or appointment. (Mont. IX 7.)

No person except qualified elector to be elected or appointed to military office in state. (Colo. VII 6; Wyo. VI 3.)

Eligible to any state, executive or judicial office. (Ark. XIX 26.)

No person holding a military commission, except militia officer, to be eligible to legislature. (Ga. III Sec. IV 7.)

Military officers receiving pay from continent or state, except militia officers occasionally called forth on an emergency, in-

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MILITIA (*Cont'd*)

OFFICERS (*Cont'd*)

Qualifications and Disqualifications (*Cont'd*)

eligible to office of governor or to seat in senate, lower house or council; appointment to such military office vacates same. (N.H. II 94.)

Legislature to have power to, and to enact necessary laws to exclude from military office of honor, power, trust or profit, all persons convicted of bribery, perjury, larceny, or of infamous crime; or who shall make or be interested in any election wager; or fight, or send or accept challenge to fight duel, or be second to either party, or be bearer of such challenge or acceptance. Disability not to accrue until after trial and conviction by due form of law. (Fla. VI 5.)

Rank

Determined by governor when not determined by law. (N.J. VII Sec. I 6.)

Removal from Office

Only by senate on suggestion of governor, stating ground of recommendation, or by decision of court martial, pursuant to law, or at own request. (Miss. IX 216.)

Only by senate on recommendation of governor, stating grounds of such recommendation, by sentence of court martial, by findings of examining board organized pursuant to law, or for absence without leave for six months or more. (N.Y. XI 6.)

If "duly commissioned to command in militia", only by address of both houses to governor or by fair trial by court martial, according to law. (N.H. II 52.)

If "commissioned to command" may be removed from office as legislature may by law prescribe. (Mass. Amend. IV.)

By governor in pursuance of sentence of a court martial. (Md. II 15.)

Same; adds "for cause". (S.D. XV 4.)

Only by sentence of court martial, pursuant to law. (N.J. VII Sec. I 6; N.D. XIII 192.)

Reports

Governor may require information from any military officer upon any subject relating to duties of his office. (Me. V Pt. I 10.)

Same; adds "in writing" after "information". (Ore. V 13.)

Selection, Manner of

Elected or appointed in such manner as may be provided by law. (Cal. VIII 1; Kan. VIII 3; Mich. XV 3; N.D. 191; Wash. X 2.)

Same; militia "shall be officered", etc. (Ark. XI 1.)

Manner of selection to be provided by law. (Ida. XIV 3; Wyo. XVII 3.)

Appointed by governor, with consent of senate, or elected, as legislature may determine. (Miss. IX 216.)

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MILITIA (*Cont'd*)

OFFICERS (*Cont'd*)

Selection, Manner of (*Cont'd*)

Where not prescribed in constitution, chosen or appointed in manner legislature may deem most conducive to improvement of militia. (N.Y. XI 5.)

Where not provided for in constitution, elected by persons subject to military duty within their companies, battalions, regiments, or other commands as prescribed by legislature and for terms, not exceeding four years, to be fixed by legislature. (Ky. 222.)

Appointed by governor where appointment not otherwise provided for in constitution. (N.J. VII Sec. I 9.)

Appointed by governor with advice and consent of senate, when appointment or election not otherwise provided for by constitution, unless different mode of appointment is prescribed by law creating office. (Md. II 10.)

Appointed by governor (including adjutant-general). (Fla. IV 16.)

Legislature by standing laws to direct time and manner of convening electors, of collecting votes and of certifying elections to governor. (Mass. Pt. II Ch. II Sec. I 10.)

Legislature to provide time and manner of electing militia officers and of certifying elections to governor. (N.J. VII Sec. I 6.)

Elected by persons liable to perform military duty; staff officers excepted. (Iowa VI 3.)

Elected by persons subject to military duty within bounds of their several companies, battalions, regiments, brigades and divisions, as provided for by legislature. (Tenn. VIII 1.)

Law changing existing mode of election and appointment requires two-thirds vote of members present in each house. (Not applicable to chiefs of staff departments, aides-de-camp, military secretary or major-generals.) (N.Y. XI 5.)

Vacancies may be filled in elective offices by governor by granting commissions to expire on filling of vacancy as constitution provides. (Ky. 222.)

Term of Office

Such time as legislature may provide. (Ida. XIV 3; Ill. XII 3; S.D. XV 4; Wyo. XVII 3.)

Not longer than six years. (Ind. XII 3.)

Commissions may be granted by governor to fill an elective office, to expire on filling of vacancy as constitution provides. (Ky. 222.)

ORGANIZATION, EQUIPMENT AND DISCIPLINE

To conform as nearly as possible to regulations for government of armies of United States. (Ala. XV 272; Colo. XVII 2; Ill. XII 2; Ky. 221; Mo. XIII 2; Utah XV 2.)

Same; except mentions only "organization". (Mont. XIV 2; S.D. XV 3.)

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MILITIA (*Cont'd*)

ORGANIZATION, EQUIPMENT AND DISCIPLINE (*Cont'd*)

Same; except reads "enrollment" in place of "organization". (Ida. XIV 2; Wyo. XVII 2.)

To conform as nearly as practicable to organization, discipline and equipment of regular army of United States. (N.M. XVIII 2.)

Legislature to provide for organization, arming and disciplining militia. (Ala. XV 271.)

Same; adds "as the exigency may require". (Md. IX 1.)

Militia to be organized, officered, armed, equipped and trained as may be provided by law. (Ark. XI 1; Ind. XII 1.)

Same; except "discipline" in place of "trained". (S.C. XIII 1.)

Legislature to provide by law for organizing and disciplining militia, in such manner as it may deem expedient, not incompatible with constitution and laws of United States. (Cal. VIII 1; Tex. XVI 46.)

Legislature may provide by law for organizing and disciplining militia. (Fla. XIV 2; Wis. IV 29.)

Legislature may provide how militia shall be organized, officered, trained, armed and equipped. (Ga. X Sec. I 1.)

Legislature may arm and equip such volunteer forces as may be authorized. (Ga. X Sec. I 2.)

Legislature to provide for enrollment, equipment and discipline of militia. (Ida. XIV 2; Wyo. XVII 2.)

Legislature to determine method of dividing militia into divisions, brigades, regiments, battalions and companies. (Ind. XII 4; Ore. X 5.)

Militia to be armed, equipped and trained, as legislature may provide. (Iowa VI 1.)

Legislature to provide for organizing, equipping and disciplining militia, in such manner as it may deem expedient, not incompatible with laws of United States. (Kan. VIII 2; Mich. XV 2.)

Legislature may provide by law how militia shall be organized, officered, trained, armed and equipped. (La. 298.)

Organization of militia, as now provided for, to remain same until altered by legislature. (Me. VII 4.)

Divisions of militia into brigades, regiments and companies prescribed by present laws to continue until altered by future law. (Mass. Pt. II Ch. II Sec. I 10; N.H. II 54.)

Governor to have full power, by himself or through officers, to train, instruct, exercise and govern militia and navy. (Mass. Pt. II Ch. II Sec. I 7; N.H. II 50.)

Legislature to pass such laws for organization, discipline and service of militia as deemed necessary. (Minn. XII 1.)

Legislature to provide for organizing, arming, equipping and disciplining militia. (Miss. IX 215.)

Legislature to provide by law for organization, equipment and discipline of militia and to make rules and regulations for government of same. (Mont. XIV 2.)

Legislature may provide for organizing and equipping the militia. (Nebr. XIII 1.)

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MILITIA (*Cont'd*)

ORGANIZATION, EQUIPMENT AND DISCIPLINE (*Cont'd*)

Legislature to provide by law for organizing and disciplining militia. (Nev. XII 1.)

Legislature to provide by law for enrolling, organizing and arming militia. (N.J. VII Sec. I 1.)

Legislature to provide for organizing, arming, equipping and disciplining militia. (N.C. XII 2.)

Legislature may enact laws for the government of militia. (N.C. XII 4.)

Militia to be enrolled, organized, uniformed, armed and disciplined as shall be provided by law, not incompatible with constitution or laws of United States. (N.D. XIII 189.)

Legislature to provide for organizing, disciplining, arming, maintaining and equipping militia. (Okla. V 40.)

Legislature to make all needful rules and regulations not incompatible with United States or state constitution or state laws. (Ore. X 5.)

Freemen of state to be armed, organized and disciplined for its defense when and in such manner as directed by law. (Pa. XI 1.)

Legislature to provide for enrollment, uniforming, equipment and discipline of militia and establishment of volunteer and other organizations, or both, necessary for protection of state, preservation of order and efficiency and good of service. (S.D. XV 2.)

Legislature to provide for organization, discipline and equipment of militia. (Utah XV 2.)

Same; adds "and for the maintenance thereof". (N.M. XVIII 2.)

Inhabitants of state to be trained and armed for its defense under such regulations, pursuant to United States constitution, as Congress and legislature shall direct. (Vt. II 55.)

Legislature to provide by law for organizing and disciplining militia in manner not incompatible with constitution and laws of United States. (Wash. X 2.)

ORGANIZED MILITIA

Consists of such organized military bodies as existed under laws of territory or thereafter may be authorized by law. (Ariz. XVI 2.)

Legislature to provide by law for establishment of volunteer organizations of several arms of service, to be classed as active militia. (N.D. XIII 190.)

Designation as "The National Guard of Arizona". (Ariz. XVI 2.)

Same; "National Guard of New Mexico". (N.M. XVIII 1.)

PAY

Legislature to provide for paying militia when same called into active service. (Miss. IX 215; N.C. XII 2.)

No part of annual appropriation to be used in payment of national guard except when in actual service. (Miss. IX 221.)

Officers and men of militia and volunteer forces not to receive pay, rations or emoluments when not in active service. (Ala. XV 278.)

Same; adds "by authority of the state". (Ga. X Sec. I 3; La. 299.)

PAYMENT TO AVOID SERVICE, *See above, this title*, EXEMPTION FROM SERVICE.

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MILITIA (*Cont'd*)

PERFORMANCE OF MILITARY DUTY

Importation of armed men, *See* POLICE.

No organized body of armed men, except the active militia, to perform military duty in state, except United States army, without proclamation of governor. (N.D. XIII 190.)

POLICE AS MILITIA, PROHIBITION OF

Police force of city, town or parish not to be organized or used as part of militia. (La. 301.)

PROPERTY ACCOUNTS

Public boards, commissary-general, superintending officers of public magazines and stores, etc., to account every three months, without requisition (and at other times if required by governor) for all goods, stores, ammunition, cannon, small arms and other public property under their care, distinguishing quantity, number, quality and kind. (Mass. Pt. II Ch. II Sec. I 12.)

Same; but mentions only "quantity and kind". (N.H. II 56.)

QUARTERMASTER-GENERAL

Appointed by governor. (Ind. XII 2; Me. Amend. XXVIII; Mo. XIII 6; Ohio IX 3.)

REGIMENTS

Field officers commissioned by governor who determines rank. (Mass. Pt. II Ch. II Sec. I 10.)

Field officers elected by commissioned officers of their regiments. (N.J. VII Sec. I 3.)

Field officers (colonels, lieutenant-colonels and majors) elected by persons subject to military duty in their respective districts. (Ohio IX 2.)

Field officers elected by captains and subalterns. (Vt. II 55.)

Field officers elected by written votes of captains and subalterns of their regiments. (Mass. Pt. II Ch. II Sec. I 10.)

Same; adds "in manner to be prescribed by law". (Me. VII 1, 2.)

Regimental officers elected by persons subject to military duty within bounds of their several regiments, as legislature may prescribe. (Tenn. VIII 1.)

Regimental officers elected by regiment; in case of neglect to elect within time prescribed by law, governor may appoint. (Ala. XV 273.)

Same; or after failure to elect on order of the governor. (Mo. XIII 3.)

Field offices vacant by reason of neglect or refusal of electors to elect may, after due notification, according to law, be filled by governor, with advice of council. (Me. VII 1, 2; Mass. Pt. II Ch. II Sec. I 10.)

Field officers appoint their staff officers. (Vt. II 55.)

Commanding officers of regiments appoint their own staffs. (Ohio IX 3.)

Same; adds "as may be provided by law". (Ala. XV 276.)

Same; except "staff officers" in place of "staffs". (Ky. 222; Me. VII 2, Amend. XXVIII; Ore. X 4.)

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MILITIA (*Cont'd*)

REGIMENTS (*Cont'd*)

Same; adds "colonels" to commanding officers. (N. J. VII Sec. I 10.)

Commanding officers appoint their adjutants and quartermasters. (Mass. Pt. II Ch. II Sec. I 10; N.H. II 53.)

REGULATIONS FOR GOVERNMENT OF ARMIES OF UNITED STATES, *See above, this title,* ORGANIZATION, EQUIPMENT AND DISCIPLINE.

RIGHT OF PEOPLE TO BEAR ARMS, *See* ARMS.

SCRUPLES AGAINST BEARING ARMS, *See above, this title,* EXEMPTION FROM SERVICE.

SQUADRONS

Field officers elected by commissioned officers of their squadrons. (N.J. VII Sec. I 3.)

Commanding officers appoint their own staffs. (N.J. VII Sec. I 10; Ohio IX 3.)

Same; except "staff officers" in place of "staffs". (Ore. X 4.)

STAFF DEPARTMENTS

Governor to appoint chiefs of staff departments, to hold office during his pleasure; their commissions to expire with term for which he was elected. (N.Y. XI 4.)

STAFF OFFICERS

Of a particular officer, See that officer, throughout this title.

Appointed and commissioned by governor. (Colo. XVII 3.)

Governor appoints "chief officers of the general staff". (Ore. X 3.)

Governor appoints staff officers, when provided for by law. (Ohio IX 3.)

Governor, with consent of senate, appoints staff officers as legislature directs (except adjutant and inspector-general). (S.C. XIII 4.)

Governor commissions all officers of the staff, "ranking as such". (Ohio IX 4; Ore. X 5.)

No officer of "general staff" of the militia, except adjutant-general, to receive salary or pay, except when on service and mustered in with troops. (Md. IX 2.)

Excepted from provision providing for election of officers by persons liable to perform military duty. (Iowa VI 3.)

Rank fixed by legislature. (Ind. XII 4; Ore. X 5.)

STANDING ARMY, *See* STANDING ARMY.

STRENGTH

Force of not less than 10,000 enlisted men, fully uniformed, armed, equipped, disciplined and ready for active service, to be maintained at all times. (N.Y. XI 3.)

SUBALTERNS, *See above, this title,* COMPANIES.

SUBORDINATION OF MILITARY TO CIVIL POWER, *See* MILITARY POWER, SUBORDINATION OF.

TACTICAL ORGANIZATION, *See above, this title,* ORGANIZATION, EQUIPMENT AND DISCIPLINE.

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ORM

Officers and soldiers to wear uniform prescribed for United States army but volunteer companies may select own uniform. (Fla. XIV 3.)

WITHOUT STATE

Governor not to march or convey citizens out of state, without their consent or that of legislature unless necessary to reach another part of state for defense thereof. (Me. V Pt. I 7.)

Same; except "inhabitants" in place of "citizens". (Mass. Pt. II Ch. II Sec. I 7; N.H. II 50.)

UNTEER FORCES

Volunteer companies of infantry, cavalry or artillery may be formed in such manner and with such restrictions as may be provided by law. (Ark. XI 2; Mo. XIII 4.)

Same; except "organizations" in place of "companies". (Ala. XV 274.)

Legislature may provide for encouragement of volunteer corps. (Fla. XIV 2.)

Legislature may authorize formation of volunteer companies, and provide for organization into battalions, regiments, brigades, divisions and corps, and may arm and equip same. (Ga. X Sec. I 2.)

Legislature to provide by law for establishment of volunteer organizations of the several arms, to be classed as active militia. (N.D. XIII 190.)

Governor may, when legislature not in session, call out volunteers or militia, or both, to execute laws, repel invasion, repress insurrection and preserve public peace, in such manner as authorized by law. (Ark. XI 4.)

May select their own uniforms. (Fla. XIV 3.)

Privileged in all cases, except treason, felony and breach of peace, from arrest during attendance at muster and election of officers, and in going to and returning from same. (Ark. XI 3.)

ING BUREAU

Bureau may be created by legislature to be known as Mining, Manufacturing and Agricultural Bureau. (Ark. X 1.)

PECTOR OF (commissioner in Colorado)

Appointment or Election

Governor to appoint, with advice and consent of senate. (Colo. XVI 1; N.M. XVII 1; Wyo. IX 1.)

Elected at general election. (Ariz. XIX.)

Bond and Oath

As prescribed by law. (Okla. VI 25.)

Duties

As prescribed by law. (Colo. XVI 1; N.M. XVII 1; Wyo. IX 1.)

Designated in constitution or prescribed by law. (Okla VI 1.)

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MINES (*Cont'd*)

INSPECTOR OF (commissioner in Colorado) (*Cont'd*)

Office

To keep office and public records at seat of government. (Okla. VI 1.)

Qualifications

Proven in manner provided by law to be competent and practical. (Wyo. IX 1.)

Known competency. (Colo. XVI 1.)

Eight years' experience as practical miner and other qualifications as provided by legislature. (Okla. VI 25.)

Salary

To be prescribed by law. (Colo. XVI 1; N.M. XVII 1; Okla. Sched. XV; Wyo. IX 1.)

$3,000 till provided otherwise by law; not to be diminished or increased for term for which elected; not to receive for his own use fees, costs and perquisites of office. (Okla. VI 34.)

Term of Office

Two years. (Ariz. XIX; Wyo. IX 1.)

Four years. (Colo. XVI 1; N.M. XVII 1; Okla. VI 25.)

SECRETARY OF INTERNAL AFFAIRS

To discharge duties in regard to mining interests of state as may be prescribed by law. (Pa. IV 19.)

AID TO

Legislature to pass laws to foster and aid mining interests of state. (Ark. X 1.)

ALIENS, RIGHT OF, *See* ALIENS — LANDS AND MINES.

EMINENT DOMAIN FOR MINING PURPOSES, *See* EMINENT DOMAIN.

HEALTH AND SAFETY OF MINERS, *See* LABOR — HEALTH AND SAFETY.

LABOR IN, *See* LABOR.

MINING COMPANIES

Legislature to provide by general law for incorporating such mining companies or associations as deemed necessary. (Fla. III 25.)

No incorporated company doing business as common carrier to engage in mining, but any mining company may carry products of its mines on its railroad or canal not over 50 miles long. (Pa. XVII 5.)

Every license or charter granted to stipulate that corporation will arbitrate any difference in reference to labor. (Okla. IX 42.)

Fellow-servant doctrine abolished as to any servants of common master; act applies to receivers. (Okla. IX 36.)

MINING DISTRICTS

Legislature to create mining districts and provide for appointment or election of assistant inspectors under general control of chief mine inspector and define qualifications and duties and fix compensation. (Okla. VI 26.)

REGULATION

Not to be regulated by private, local or special law. (Ky. 59; Mo. IV 53; Pa. III 7; Tex. III 56; Va. IV 63.)

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MINES (*Cont'd*)

REGULATION (*Cont'd*)

Legislature to make regulation to secure proper drainage and ventilation of, and proper safety and health appliances in, mines. (Colo. XVI 2, 3.)

Laws may be passed to provide for the regulation of methods of mining, weighing, measuring and marketing coal, gas, oil and all other minerals. (Ohio II 36.)

RELEASE OF BY STATE

Mines and minerals released to owner of soil. (Tex. XIV 7.)

STATE GEOLOGIST

Legislature may create office of geologist, to be appointed by governor by and with consent of senate; term of office and compensation prescribed by law; to be removed by governor for gross neglect of duty or incompetency. (Ark. X 2.)

Appointed by governor with advice and consent of senate for six years or until successor qualified; duties and compensation prescribed by law; must have such theoretical knowledge and practical experience and skill as shall fit him for position; to perform, *ex-officio*, duties of inspector of mines until otherwise provided by law. (Wyo. IX 6.)

STATE GEOLOGICAL AND ECONOMIC SURVEY

Legislature shall provide for establishment of. (Okla. V 38.)

SWITCH TRACK TO

Owner of coal, lead, iron or zinc mine, when corporation commission determines business reasonably justifies it, may build switch from railroad, which must allow connection under penalty to be recovered by civil action. (Okla. IX 33.)

TAXATION

See TAXATION—OBJECTS AND KINDS OF TAXATION—MINES AND MINING.

See TAXATION—ASSESSMENT——MINES.

See TAXATION—EXEMPTIONS—MINING CAPITAL.

MINORS

See also CHILDREN.

For jurisdiction of courts over, See COURTS.

Registration, *See* ELECTIONS.

Rights not to be conferred by local or special law. (Minn. IV 33.)

Emancipation not to be authorized by local or special law. (La. 48.)

Not to be relieved from legal disabilities by local or special law. (Fla. III 20; Ky. 59.)

Disability of infancy not to be removed by local, private or special law. (Ala. IV 104; Miss. IV 90.)

Private, local or special law not to declare any person of age. (Cal. IV 25; Colo. V 25; Ida. III 19; Ky. 59; Minn. IV 33; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Tex. III 56; Wash II 28; Wyo. III 27.)

Disposal of property by local or special law prohibited. (Ky. 59.)

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MINORS (*Cont'd*)

Estates not to be affected by local or special law. (Ariz. IV 19; Cal. IV 25; Ida. III 19; Ky. 59; La. 48; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Okla. V 46; Tex. III 56; Wyo. III 27.)

Estates not to be affected by local or special law, except after due notice to all parties in interest, to be recited in the special enactment. (Pa. III 7.)

Settlement or administration of estate, local, private, or special law prohibited. (Miss. IV 90.)

Sales of estates, special law prohibited; but legislature to confer on courts power to direct. (Va. IV 63.)

Sale of property, local, private or special law, prohibited. (Cal. IV 25; Ida. III 19; Ky. 59; Miss. IV 90.)

Sale of real estate, local, private or special law, prohibited. (Colo. V 25; Fla. III 20; Ill. IV 22; Mont. V 26; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; S.D. III 23; Utah VI 26; Wash. II 28; W.Va. VI 39; Wis. IV 31; Wyo. III 27.)

Sale of real estate by executors, administrators, guardians or trustees, local or special law not to provide for. (Ind. IV 22; Md. III 33; Ore. IV 23.)

Sale of personal property, private, local or special law prohibited. (Nev. IV 20; Wash. II 28; Wis. IV 31.)

Mortgage of property, local, private or special law prohibited. (Miss. IV 90.)

Mortgage of real estate, private, local or special law prohibited. (Colo. V 25; Ill. IV 22; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; S.D. III 23; Utah VI 26; Wash. II 28; W.Va. VI 39; Wis. IV 31; Wyo. III 27.)

Mortgage of personal property, private or special law prohibited. (Wash. II 28; Wis. IV 31.)

Leasing or encumbering property, private, local or special law prohibited. (Cal. IV 25; Ida. III 19; Ky. 59; Wash. II 28.)

MONEY

Rate of interest on, *See* INTEREST.

Where sums are mentioned in constitution, value to be computed in silver, at six shillings and eight pence per ounce. (Mass. Pt. II Ch. VI 3; N.H. II 96.)

MONOPOLIES AND TRUSTS

PROHIBITION IN GENERAL

"Shall never be allowed in this state". (S.D. XVII 20; Wash. XII 22.)

Monopolies shall not be allowed. (Ark. II 19; Okla. II 32.)

Monopolies contrary to genius of free state and not to be allowed. (N.C. I 31; Okla. II 32; Tenn. I 22; Tex. I 26; Wyo. I 30.)

Monopolies are odious, contrary to spirit of free government and principles of commerce and ought not to be suffered. (Md. D.R. 41.)

Fair and free competition in trades and industries are inherent right of people and should be protected against monopolies and conspiracies which tend to hinder or destroy it. (N.H. II 82.)

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MONOPOLIES AND TRUSTS (*Cont'd*)

PROHIBITION OF PARTICULAR

Until otherwise provided by law, no person engaged in production, manufacture, distribution or sale of commodity of general use shall, for purposes of creating monopoly or destroying competition, discriminate between different persons, sections, communities or cities by selling at lower rate in one section, community or city than in another, after making due allowance for difference in grade, quantity or quality and actual cost of transportation from point of production or manufacture. (Okla. IX 45.)

Combination between individuals, corporations, associations, having for object or effect controlling of price of any product of soil or article of manufacture or commerce, or cost of exchange or transportation, prohibited and declared unlawful and against public policy; and franchises of violators of this provision to be void. (N.D. VII 146.)

Persons not to combine or conspire together or to unite or pool their interests for purposes of forcing up or down price of agricultural product or article of necessity, for speculative purposes; and combinations, trusts or conspiracies in restraint of trade or commerce and monopolies or combinations to monopolize trade or commerce, prohibited, and attorney-general, or district attorney, when directed by governor or attorney-general, to enforce this provision in name of state, and particularly by suit for forfeiture of charter of corporations and for ouster from state of foreign corporations. These provisions self-operative but legislature may provide additional remedies. (La. 190.)

Any combination of persons whether as individuals or members or officers of corporation, to monopolize markets for food products in this state or to interfere with or restrict freedom of such markets, declared to be criminal conspiracy punishable as prescribed by law. (Minn. IV 35.)

Any combination by individuals, corporations or associations having for object or effect controlling of price of products of soil or of article of manufacture or commerce, or cost of exchange or transportation, prohibited, and declared unlawful and against public policy. Legislature to enforce by adequate penalties and if necessary declare forfeiture of franchise of corporations. (Utah XII 20.)

No corporation, partnership or association to directly or indirectly combine or make contracts with corporation through stockholders or trustees or assignees, or with partnership or association or in any manner whatever to fix prices, limit production or regulate transportation of product or commodity. Legislature to enforce by adequate penalties, including forfeiture of franchise of corporations. (Ariz. XIV 15; Wash. XII 22.)

No incorporated company or association or stock company in state to combine or make any contract with any other incorporated company through stockholders or trustees or assignees or in any

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MONOPOLIES AND TRUSTS (*Cont'd*)

PROHIBITION OF PARTICULAR (*Cont'd*)

manner whatsoever for purposes of fixing price or regulating production of any article of commerce or of produce of soil or of consumption by people and legislature to pass laws for enforcement by adequate penalties and if necessary forfeit property and franchise. (Ida. XI 18.)

No corporation, partnership or association to directly or indirectly combine or make contract with corporation through stockholders or trustees or assignees, or with partnership or association or in any manner whatever to fix prices, limit production or regulate transportation of product or commodity so as to prevent competition in such prices, production or transportation, or to establish excessive prices thereof. Legislature to enforce by adequate penalties, including forfeiture of franchise of corporations. (S.D. XVII 20.)

No persons to directly combine or form "what is known as a trust" or make contracts with any persons through their stockholders, trustees or in any manner for purpose of fixing price or regulating production of any article of commerce or of the product of the soil, for consumption by people. Legislature to provide for enforcement by adequate penalties to the extent if necessary of forfeiture of property and franchise, and prohibition of foreign corporations from carrying on business in state. (Mont. XV 20.)

Consolidation or combination of corporations to prevent competition, to control or influence production or prices thereof or to interfere with public good and general welfare, prohibited. (Wyo. X 8.)

Monopoly or exclusive privilege in slaughtering cattle not to exist. (La. 276.)

Holding of large tracts of land, uncultivated and unimproved, is against public interest and to be discouraged by lawful means. (Cal. XVII 2.)

LEGISLATURE TO PREVENT CERTAIN

Legislature to enact laws to prevent trusts, monopolies and combinations in restraint of trade. (N.M. IV 38.)

Legislature to pass laws preventing trusts, combinations and monopolies inimical to public welfare. (Va. XII 165.)

Legislature to enact laws to pr vent trusts combinations, contracts and agreements against public welfare. (Miss. VII 198; S.C. IX 13.)

Legislature to define and provide for punishment of persons engaged in, or composing, unlawful combination, monopoly, trust, act or agreement, in restraint of trade. (Okla. V 44.)

Legislature, as necessity may require, shall enact laws necessary to prevent trusts, pools, combinations or other organizations from combining to depreciate or to enhance the cost of any article below or above its real value. (Ky. 198.)

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MONOPOLIES AND TRUSTS (*Cont'd*)

LEGISLATURE TO PREVENT CERTAIN (*Cont'd*)

Legislature to provide by law for regulation, prohibition or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies and combinations of capital, so as to prevent making articles of necessity, trade or commerce scarce or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade or business. (Ala. IV 103.)

Legislature not to authorize corporations to purchase stock in or make contracts with other corporations to lessen competition or encourage monopoly; such contracts void. (Ga. IV Sec. II 4.)

MORTGAGE CORPORATIONS

Corporations formed for sole purpose of lending on country property not to receive money on deposit or do banking business; subject to supervision of examiner of state banks. (La. 230.)

MOTOR VEHICLES

Legislature to provide for registration of automobiles and motor vehicles and provide license tax for their use and act No. 260 of 1914 ratified and approved. (La. Amend. 1914.)

MUNICIPAL CORPORATIONS, *See* MUNICIPALITIES.

MUNICIPAL DIVISIONS OF STATE, *See* MUNICIPALITIES.

MUNICIPAL HOME RULE

RESTRICTIONS ON LEGISLATION AFFECTING MUNICIPALITIES

For provisions relating to control by state, finances, debt, public utilities, and other general powers, See "COUNTIES", "CITIES", "TOWNS", "VILLAGES", "BOROUGHS", "MUNICIPALITIES" *and* "TOWNSHIPS".

POWER OF MUNICIPALITY TO FRAME ITS CHARTER

Under this subhead are digested provisions relating to powers of counties, cities, towns, villages and municipalities to frame their own charters. Where a section relates to counties or to a specified city it is so indicated in the citation.

For provision relating to recall by voters of judicial decision holding any provision of charter unconstitutional, See COURTS — DECISIONS.

Power Granted to

Any municipality. (Ohio XVIII 7.)

Voters of every city and town. (Ore. XI 2.)

Electors of each city and village. (Mich. VIII 21.)

Any city or village. (As only right granted is that of framing charter for its own government "as a city", it would seem to apply only to cities and prospective cities, and not to villages.) (Minn. IV 36.)

People of city and county of Denver, and of each city and town with population of 2,000 as determined by last preceding census taken under its own authority or that of United States or state. (Colo. XX 4, 6.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Power Granted to (*Cont'd*)

Any city with population more than 2,000. (Okla. XVIII 3a.)

Any city with a population more than 3,500. (Ariz. XIII 2.)

Any city or city and county with population more than 3,500 according to last census taken under authority of United States or of legislature. (Cal. XI 8.)

Any city with population more than 5,000. (Nebr. XIa 2; Tex. XI 5.)

Any city containing 20,000 inhabitants or more. (Wash. XI 10.)

City of St. Louis, and any city of more than 100,000 inhabitants. (Mo. IX 16, 20.)

Any county (but provisions of this section do not apply to any county consolidated with a city). (Cal. XI 7½.)

Nature of Power

To frame charter for its own government consistent with and subject to constitution and laws of state. (Ariz. XIII 2; Mo. IX 16, 20; Nebr. XIa 2; Okla. XVIII 3a; Wash. XI 10.)

To frame charter for its own government, consistent with and subject to constitution, or, having framed such charter, to frame new charter. (Cal. XI 7½, county; Cal. XI 8.)

Exclusive power to make, alter, amend, revise, add to or replace charter which shall be its organic law and extend to all local and municipal matters. After filing charter framed under provisions of this article city or town may provide and legislate for creation of municipal offices, agencies, employments and police and municipal courts and for the powers, duties and jurisdiction thereof and the election, appointment, terms, qualifications, etc., of the officers thereof; all matters pertaining to municipal elections; municipal debt; park and water districts; municipal taxation; and fines and penalties for violation of provisions of charter or ordinances. Intention of article is to grant to people of all municipalities "full right of self-government in both local and municipal matters", and enumeration of certain powers herein not to be construed to deny any right or power essential to full exercise of such right. (Colo. XX 4, 6.)

To frame charter for its own government as a *city* consistent with and subject to laws of state. (Minn. IV 36.)

To adopt or amend charter subject to constitution and general laws of state and to such limitations as may be prescribed by the legislature. (Tex. XI 5.)

Under general laws, to frame, adopt and amend charter, and to amend existing charter heretofore granted, and through regularly constituted authorities, to pass all laws and ordinances relating to municipal concerns of the city or village, subject to constitution and general laws of state. (This section leaves to the legislature the implied duty to provide the procedure for framing a charter.) (Mich. VIII 21.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Nature of Power (*Cont'd*)

To frame and adopt or amend charter for its own government, and subject to XVIII 3 (granting authority to municipalities to exercise all powers of local self-government, and to adopt and enforce within their limits local police, sanitary, etc., regulations not in conflict with general laws), to exercise thereunder all powers of local self-government. (Ohio XVIII 7, 3.)

To enact and amend municipal charter, subject to constitution and criminal laws of the state, and the exclusive power to license, regulate, control or to suppress or prohibit the sale of intoxicating liquor therein is vested in such municipality; but such municipality shall within its limits be subject to the local option law of the state. (There are no provisions as to procedure. *See* INITIATIVE AND REFERENDUM. Ore. IV 1a.) (Ore. XI 2.)

Board to Draft Charter

Number of Members

Thirteen. (Mo. IX 16, 20, 22.)

Fourteen. (Ariz. XIII 2.)

Fifteen. (Cal. XI 7½, county, 8; Minn. IV 36; Nebr. XIa 2, 3; Ohio XVIII 8; Wash. XI 10.)

Twenty-one. (Colo. XX 4.)

Two from each ward. (Okla. XVIII 3a.)

Election

City may cause a board of freeholders composed of 14 qualified electors of city to be elected at large by qualified electors at general or special election. Election may be called at any time by legislative authority of city, and shall be called by the chief executive officer within 10 days after filing with him a petition demanding such election, signed by a number of qualified voters of city equal to 25 per cent. of total number of votes cast at next preceding general municipal election; election shall be held not later than 30 days after the call therefor. (Ariz. XIII 2, 3.)

County may cause board of 15 freeholders, for at least five years qualified electors, to be elected at general or special election in pursuance of ordinance adopted by three-fifths vote of all members of county board of supervisors to prepare charter, or in pursuance of a petition signed by 15 per cent. of qualified electors of county, computed on total number of votes cast for all candidates for governor at last preceding general election for governor, and filed in office of county clerk. County clerk within 20 days after filing of petition shall ascertain from registration of electors whether petition is signed by requisite number of qualified electors, and if required by him board of su-

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MUNICIPAL HOME RULE (*Cont'd*)
POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)
Board to Draft Charter (*Cont'd*)
Election (*Continued*)

pervisors shall authorize him to employ assistants in such work and shall provide for their compensation. Clerk shall attach to petition his certificate showing result of examination and if it shall appear that petition is signed by requisite number, clerk shall present petition to board of supervisors. Upon adoption of ordinance or presentation of petition board of supervisors shall order special election of board of freeholders not less than 20 days nor more than 60 days thereafter, provided, that if a general election shall occur within such period said board may be elected at such general election. Candidates shall be nominated by petition in substantially the same manner as provided by general law for the nomination of county officers. (Cal. XI 7½, county.)

Electors shall choose board of 15 freeholders at general or special election; no person eligible for such board unless for five years next preceding, an elector of city; election may be called by two-thirds vote of legislative body of city, and on petition by not less than 15 per cent. of registered electors, legislative body shall call such election not less than 30 nor more than 60 days after filing of petition; such petition shall be verified by authority in charge of registration records of city or city and county, expenses of which verification shall be provided by legislative body; candidates shall be nominated either in the same manner as municipal officers or by petition substantially in same manner as provided by the general laws in regard to public offices voted for at general election. (Cal. XI 8.)

Within 10 days after governor's proclamation of adoption of this amendment, council of city and county of Denver shall by ordinance call special election, to be conducted as provided by law, of qualified electors for election at large of 21 taxpayers, qualified electors within said limits for at least five years. (Colo. XX 4.)

City may cause a board of 13 freeholders, who have been for at least five years qualified voters thereof, to be elected by the qualified voters at general or special election. (Mo. IX 16.)

Council of city and county court of county of St. Louis shall at request of mayor of St. Louis meet in joint session and order an election, to be held as provided for general elections, by qualified voters of city and county, of a board of 13 freeholders of such city or county. Lawmaking authorities of city may order election of board of 13 freeholders (to prepare a subsequent charter). (Mo. IX 20, 22, St. Louis.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Board to Draft Charter (*Cont'd*)

Election (*Continued*)

City may cause convention of 15 freeholders who have been five years qualified electors to be elected by qualified voters at general or special election to be called through a special election ordinance, whenever question of charter convention has been submitted and carried by majority of electors voting thereon. (Nebr. XIa 2, 4.)

Provision shall be made (on ballot by which the question is submitted whether commission shall be chosen to frame charter) for election at large of 15 electors to constitute commission to frame charter, providing question is answered in affirmative. (Ohio XVIII 8.)

City may cause a board of freeholders composed of two from each ward, qualified electors, to be elected at any general or special election. Election may be called at any time by legislative authority of city, and shall be called by chief executive officer of city within 10 days after filing with him a petition demanding such election, signed by a number of qualified electors equal to 25 per cent. of total number of votes at next preceding general municipal election. Election shall be held not later than 30 days after call therefor. (Okla. XVIII 3a and b.)

Legislative authority of city may cause election to be had at which qualified electors shall choose 15 freeholders who have been residents for at least two years preceding, and qualified electors. (Wash. XI 10.)

Appointment

Legislature shall provide, under such restrictions as it deems proper, for a board of 15 freeholders, who are and for past five years have been qualified voters, to be appointed by district judges of judicial district in which situated, for term not to exceed six years; board shall be permanent, and vacancies by death, disability to perform duties, resignation or removal from corporate limits, or expiration of term of office, shall be filled by appointment in same manner as original board, and board shall always contain full complement of members. (Minn. IV 36.)

Duties of Board

Board of freeholders shall within 90 days prepare and propose a charter. (Ariz. XIII 2; Okla. XVIII 3a.)

Board shall within 120 days after result of election is declared prepare and propose a charter. (Cal. XI 7½, county.)

Board shall within 120 days after result of election is declared, prepare and propose charter, but said period may with consent of legislative body of city be extended by board for not more than 60 days. (Cal. XI 8.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Duties of Board (*Cont'd*)

The 21 taxpayers shall constitute charter convention to frame charter within 60 days after election; ordinance calling election shall fix time and place of convention. (Colo. XX 4.)

Board shall with six months after appointment return to chief magistrate of city or village draft of charter. (Minn. IV 36.)

Board of freeholders shall within 90 days after election return to chief magistrate of city a draft of charter. (Mo. IX 16.)

Board of freeholders shall (within 90 days after its election) propose a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, the adjustment of the relations between the city thus enlarged and the residue of St. Louis county, and the government of the city thus enlarged by a charter. (As to subsequent charters only provision is that board of freeholders shall prepare a new charter.) (Mo. IX 20, 22, St. Louis.)

Convention shall within four months after election prepare and propose a charter with a prefatory synopsis. (Nebr. XIa 2.)

Provision for election of 15 electors to constitute a commission to frame charter, charter to be submitted to vote within one year after election of commission. (Ohio XVIII 8.)

Freeholders shall convene within 10 days after election and prepare and propose charter. (Wash. XI 10.)

Election on Question Shall New Charter Be Framed

At election of board to frame charter a vote shall be taken on question whether further proceedings toward adopting charter shall be had in pursuance of call, and unless majority of qualified electors voting thereon shall vote to proceed further no further proceedings shall be had and all proceedings theretofore had shall be of no effect. (Ariz. XIII 3; Okla. XVIII 3b.)

Proposals for charter conventions shall be submitted by city council, board of trustees or other legislative body at general or special election, upon petition in reasonable conformity with section 5 of same article, and all proceedings thereafter shall be in reasonable conformity with sections 4 and 5 of same article. (Colo. XX 6.)

Proposal for charter convention may be made by law-making body of city or by qualified electors in number not less than 5 per cent. of the next preceding gubernatorial vote in city, by petition filed with council of governing authorities, who shall submit same to vote of qualified electors at next general or special election not held within 30 days after petition is filed. Whenever question of charter convention is carried by majority voting thereon convention shall be called through a special election ordinance. (Nebr. XIa 2, 4.)

Legislative authority of any city or village may by vote of two-thirds of its members, and shall on petition of 10 per cent. of

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ICIPAL HOME RULE (*Cont'd*)
POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)
Election on Question Shall New Charter Be Framed (*Cont'd*)
electors, provide by ordinance for submission to electors of question "Shall a commission be chosen to frame a charter". Ordinance shall require that question be submitted at next regular municipal election if not less than 60 nor more than 120 days after, otherwise shall provide for submission at special election called and held within said time. Ballot shall contain no party designation, and provision shall be made thereon for election of commission to frame charter, provided majority of electors voting on question vote in affirmative. (Ohio XVIII 8.)
Procedure Prior to Vote on Charter
Draft to be Signed and Returned
Signed in duplicate by members of board or a majority of them and one copy filed with chief executive officer of city and other with county recorder or register of deeds. (Ariz. XIII 2; Okla. XVIII 3a.)
Signed in duplicate by members of board or a majority of them and filed, one copy in office of county clerk and other in office of county recorder. (Cal. XI 7½, county.)
Signed by majority of board and filed with clerk of legislative body of city. (Cal. XI 8.)
Proposed charter with prefatory synopsis shall be signed by officers and members of convention, and delivered to clerk of city and county. (Colo. XX 4.)
Signed by members of board or a majority and returned to chief magistrate. (Minn. IV 36.)
Signed by members of board or a majority of them and returned to mayor within 90 days after election of board. (Mo. IX 16.)
Scheme and charter shall be signed in duplicate by said board or a majority of them, and one copy returned to mayor and other copy to presiding judge of county court, within 90 days after election of board. (Mo. IX 20, St. Louis.)
Proposed charter and prefatory synopsis shall be signed by officers and members of convention or majority thereof, and delivered to clerk of city. (Nebr. XIa 2.)
Publication
In one or more newspapers published and of general circulation in city for at least 21 days if in a daily paper, or in three consecutive issues if in a weekly paper, first publication be made within 20 days after completion of proposed charter. (Ariz. XIII 2; Okla. XVIII 3a.)
Board of supervisors shall publish proposed charter at least 10 times in daily newspapers, printed, published and of general circulation in county, provided that in county where no such newspaper is published charter shall be published at least three times in at least one weekly news-

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Procedure Prior to Vote on Charter (*Cont'd*)

Publication (*Cont'd*)

paper, printed, published and of general circulation in county, and provided that in any county where neither such paper is printed, a copy of charter shall be posted by county clerk in three public places and on or near entrance to at least one public school in each school district. The first publication or posting shall be made within 15 days after filing of copy in office of county clerk. (Cal. XI 7½, county.)

Legislative body of city within 15 days after filing shall cause charter to be published once in official paper of city or, if no such paper, in a paper of general circulation, and shall cause copies to be printed in convenient pamphlet form and shall, until date fixed for election, advertise in one or more papers of general circulation published in city notice that copies may be had upon application. (Cal. XI 8.)

Clerk of city and county shall publish charter and prefatory synopsis in full with his official certification in official newspaper of city and county three times and a week apart. (Colo. XX 4.)

City clerk shall publish proposed charter and prefatory synopsis in full with his official certification in official paper of city if there be one, and if there be no official paper then in at least one newspaper published and in general circulation in city, three times a week apart. (Nebr. XIa 2.)

Proposed charter shall be published in two daily newspapers published in city for at least 30 days prior to day of submitting to electors. (Wash. XI 10.)

Copy to Each Voter

Not less than 30 days prior to election clerk of municipality shall mail copy of proposed charter to each elector whose name appears on poll or registration books of last regular or general election. (Ohio XVIII 8.)

Ratification and Approval

How and When Submitted to Vote

Within 30 days and not earlier than 20 days after publication, charter shall be submitted to vote of qualified electors of city at general or special election. (Ariz. XIII 2; Okla. XVIII 3a.)

Charter shall be submitted by board of supervisors to electors at special election held not less than 30 nor more than 60 days after completion of publication or posting, provided, that if general election shall occur within such period charter may be submitted at such general election. (Cal. XI 7½, county.)

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ICIPAL HOME RULE (*Cont'd*)
POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)
Ratification and Approval (*Cont'd*)
How and When Submitted to Vote (*Cont'd*)
Shall be submitted to electors at date fixed by the board of freeholders before such filing and designated on charter, either at special election not less than 60 days from completion of publication or at general election next following expiration of said 60 days. (Cal. XI 8.)
Ordinance calling election of charter convention shall fix time for vote on proposed charter not less than 30 nor more than 60 days after its delivery to clerk; clerk shall publish with first publication of charter call for special election to approve or reject charter. (Colo. XX 4.)
Shall be submitted to qualified voters at the next general election thereafter. (Minn. IV 36.)
Within 30 days after board returns draft to chief magistrate, proposed charter shall be submitted to qualified voters, at general or special election. (Mo. IX 16.)
Within 30 days after board returns draft of scheme and charter the city council and county court shall submit such scheme to the qualified voters of the whole county and such charter to the qualified voters of the city so enlarged, at an election to be held not less than 20 nor more than 30 days after the order therefor. A subsequent charter shall be submitted at an election held not less than 20 nor more than 30 days after the order therefor. (Mo. IX 20, 22, St. Louis.)
Within not less than 30 days after publication charter shall be submitted to qualified electors at general or special election. (Nebr. XIa 2.)
Charter so framed shall be submitted to electors at election held at time fixed by commission and within one year from date of its election, provision for which shall be made by the legislative authority of the municipality in so far as not provided by general law. (Ohio XVIII 8.)
Proposed charter shall be submitted to qualified electors. (Wash. XI 10.)
Manner and Effect
If a majority of qualified electors voting thereon ratify charter, it shall be submitted to the governor for his approval and the governor shall approve it if it is not in conflict with constitution and laws of state. Upon approval charter shall become organic law of city and supersede any charter then existing and all amendments thereto, and all ordinances inconsistent with new charter. (Ariz. XIII 2; Okla. XVIII 3a.)
If majority of electors voting thereon vote in favor of charter it shall be deemed ratified and shall be submitted to legislature, if in session, or at its next regular or ex-

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Ratification and Approval (*Cont'd*)

Manner and Effect (*Cont'd*)

traordinary session, for approval or rejection as a whole without power of alteration or amendment. Such approval shall be made by concurrent resolution, and if approved by majority of members elected to each house it shall become charter and organic law and supersede existing charter and all laws inconsistent. (Cal. XI 7½, county, XI 8.)

If approved by majority of those voting thereon two copies together with vote for and against, certified by clerk, shall be filed with secretary of state within 10 days after vote and shall thereupon be charter of city and county of Denver. (Colo. XX 4.)

By majority vote of the qualified voters of city. (Tex. XI 5.)

If four-sevenths of qualified voters voting at election ratify, it shall at end of 30 days thereafter become charter of such city or village as a city and supersede any existing charter and amendments, *provided* that in cities having patrol limits now established, such charter shall require a three-fourths majority vote of qualified electors voting at election to change such limits. (Minn. IV 36.)

If four-sevenths of qualified voters voting at the election ratify the charter, it shall, at the end of 30 days thereafter, become the charter of such city and supersede any existing charter or amendments thereof. (Mo. IX 16.)

If majority of qualified voters voting at such election shall ratify scheme and charter then scheme shall become the organic law of the county and city, and charter the organic law of the city, and at the end of 60 days thereafter shall take the place of and supersede the charter of St. Louis and all amendments thereof, and all special laws relating to St. Louis county inconsistent with such scheme. (Mo. IX 20, 22, St. Louis.)

If majority of qualified voters voting thereon ratify charter it shall at end of 60 days thereafter become the charter of city and supersede any existing charter and all amendments thereof. (Nebr. XIa 2.)

If charter is approved by majority of electors voting thereon it shall become charter at time fixed therein. (Ohio XVIII 8.)

If majority of qualified electors voting thereon ratify, it shall become charter and organic law and supersede any existing charter and amendments, and all special laws inconsistent. (Wash. XI 10.)

Submission of Alternatives

In submitting any charter or amendment, any alternative article or proposition may be presented and voted on separately without prejudice to others. (Cal. XI 7½, county; Colo. XX 5; Wash. XI 10.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Ratification and Approval (*Cont'd*)

Submission of Alternatives (*Cont'd*)

In submitting any charter or amendment any alternate article or section may be presented and voted on separately without prejudice to others. (Minn. IV 36; Mo. IX 17; Nebr. XIa 4.)

In submitting any charter or amendment separate propositions, whether alternative or conflicting or one included within the other, may be submitted at same time to be voted on separately, and as between those so related if more than one receive majority, proposition receiving larger number of votes shall control as to all matters in conflict. (Cal. XI 8.)

Rejection and Subsequent Submission

If charter is rejected, then within 30 days thereafter 21 members of new charter convention shall be elected at special election to be called as before, who shall frame a charter which shall be published and submitted in like manner; if again rejected, procedure shall be repeated (each special election being within 30 days after each rejection) until a charter is approved and certified, whereupon it shall become the charter and organic law of the city and county and supersede existing charters and amendments. Note: this provision probably relates only to first charter. (Colo. XX 4.)

If charter is rejected, then within six months mayor and council or governing authority may call special election of 15 members of new charter convention; if again rejected this procedure may be repeated until a charter is finally approved by majority of those voting thereon. Members of each such charter convention shall be elected at large and shall complete labors within 60 days after their election. (Nebr. XIa 3.)

Procedure Subsequent to Ratification and Approval

Copy to be Authenticated and Filed

Duplicate certificates setting forth charter and its ratification shall be signed by chief magistrate of city and authenticated by its corporate seal; one copy shall be deposited in office of secretary of state, and the other shall be recorded and deposited in archives of the city. (Ariz. XIII 2; Minn. IV 36; Mo. IX 16; Okla. XVIII 3a.)

Duplicate copies of charter, certified and authenticated by chairman and clerk of board of supervisors, under seal of board and attested by county clerk, setting forth submission and ratification, shall be made after approval by legislature; one shall be filed in office of secretary of state and other shall be recorded and filed in office of county clerk. (Cal. XI 7½, county.)

One copy shall be filed with secretary of state, one with recorder of county and one in archives of city. (Cal. XI 8.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Procedure Subsequent to Ratification and Approval (*Cont'd*)

Copy to be Authenticated and Filed (*Cont'd*)

Two copies of charter, if approved (together with vote for and against), certified by clerk shall within 10 days after vote be filed with secretary of state. (Colo. XX 4.)

Duplicate copies of scheme and charter, with certificate appended, signed by mayor and presiding justice of county court and authenticated by city and county seals, setting forth the submission and ratification of scheme and charter, shall be made; one shall be deposited in office of secretary of state and other shall be recorded and deposited among archives of city. (Mo. IX 21, St. Louis.)

Duplicate certificates setting forth charter and its ratification together with the vote for and against shall be made and certified by city clerk and authenticated by corporate seal of city; one copy shall be filed with secretary of state and the other deposited among the archives of city, and shall thereupon become and be the charter of city. (Inconsistent with provision under RATIFICATION AND APPROVAL — MANNER AND EFFECT.) (Nebr. XIa 2.)

Copy of charter or amendment shall be certified to secretary of state within 30 days after referendum vote. (Ohio XVIII 9.)

Judicial Notice

All courts shall take judicial notice of charter after copies have been authenticated and filed. (Ariz. XIII 2; Cal. XI 7½, county, 8; Minn. IV 36; Mo. IX 16, 21, St. Louis; Okla. XVIII 3a.)

Contents of Charters

Mandatory Provisions

Charter shall provide: (1.) For constitution, regulation and government of boards of supervisors, and election, terms, compensation and number of members thereof. (2.) For election or appointment, terms and compensation of sheriffs, county clerks, treasurers, recorders, license and tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools. (3.) For election and appointment, terms, compensation and number of justices of the peace and constables, or of judges and other officers of such inferior courts as may be provided by constitution or general law. (4.) For powers and duties of all county officers for their removal and the filling of vacancies, and for consolidation and segregation of county offices, provided that provisions of charters relating to powers and duties of county officers shall be subject to and controlled by general laws. (4½.) For assumption and discharge by county officers of certain municipal functions of cities and towns whenever

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Contents of Charters (*Cont'd*)

Mandatory Provisions (*Cont'd*)

the discharge by county officers of such municipal functions is authorized by general law or by the city or town charter. (5.) For fixing and regulation by ordinance of board of supervisors, of appointment and number of assistants and other employees in the several county offices and of the powers, duties, qualifications, compensation, terms and manner of appointment and removal of such persons. (6.) For compensation or fixing by board of supervisors of compensation of such fish and game wardens, probation and other officers as may be provided by general law. (Cal. XI 7½ county.)

Charter shall designate officers who shall perform duties of county officers; provide that departments of fire and police and of public utilities and works shall be under such civil service regulations as charter shall provide; and provide for continuing, amending or repealing ordinances of city and county. (The above provisions probably are applicable only to city and county of Denver.) Charter shall provide for reference on petition therefor of measures passed by council to vote of electors and for initiative by electors of ordinances by petition. (Colo. XX 2, 3, 4, 5.)

Charter shall provide for mayor or chief executive and two houses of legislation, one of which shall be elected by general ticket. (Sec. 22 of same article requires, however, that subsequent charters of St. Louis shall provide for a chief executive and at least one house of legislation to be elected by general ticket.) (Mo. IX 17, 20, St. Louis.)

In adjustment of relations between city and county city shall assume entire park tax, and in consideration of city becoming proprietor of all county buildings and property within the enlarged limits, it shall assume the whole existing county debt, and thereafter city and county of St. Louis shall be independent of each other. City shall be exempted from all county taxation. (Mo. IX 23, St. Louis.)

Charter shall provide for mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses at least one to be elected by general vote. (Minn. IV 36.)

Charter shall provide for continuing, amending or repealing city ordinances. (Nebr. XIa 3.)

Optional Provisions

Cities and towns hereafter organized under charters framed and adopted under this constitution are hereby empow-

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Contents of Charters (*Cont'd*)

Optional Provisions (*Cont'd*)

ered, and cities and towns heretofore organized may amend their charters so as to become likewise empowered to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions imposed by their charters, and in respect to other matters they shall be subject to and controlled by general laws. Cities and towns may in charter provide for performance by county officers of certain municipal functions whenever the discharge of such municipal functions by county officers is authorized by general laws or by provisions of a county charter framed and adopted under this constitution. (Cal. XI 6.)

Charter of county may provide for offices other than those required by constitution and laws, or hereafter created by constitution or general laws or for creation of such offices by board of supervisors; for the election or appointment, terms and compensation of such officers or for fixing of compensation by boards of supervisors; for the formation, organization, government, powers and jurisdiction of road districts and highway construction divisions, and for the inclusion therein of any incorporated city or town or part thereof by ordinance and assent of majority of qualified electors; for the incurring of indebtedness and levying of taxes for such purposes, provided that such provisions shall be subject to special regulations and conditions as may be imposed by legislature. (Cal. XI 7½, county.)

Charter may provide that municipality may make and enforce all laws and regulations in respect to municipal affairs, subject only to restrictions and limitations provided therein, and in respect to other matters it shall be subject to general laws. Charter may provide for division of city or city and county into boroughs or districts and that each borough or district may exercise such general or special municipal powers and in such manner as charter provides. (Cal. XI 8.)

Charter for city or city and county framed under section 8 of this article may provide: (1.) For the establishment, regulation, government and jurisdiction of police and municipal courts and for the election, terms, qualifications and compensation of judges of such courts, provided, such municipal courts shall never be deprived of the jurisdiction given inferior courts created by general law. When a municipal court has been established there shall be no other court inferior to superior court, and all matters pending in inferior courts within said territory shall

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MUNICIPAL HOME RULE (*Cont'd*)
POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)
Contents of Charters (*Cont'd*)
Optional Provisions (*Cont'd*)

become pending in municipal court. (2.) For the election, terms, qualifications, compensation and number of members of boards of education. (3.) For the terms and election or appointment of boards of police commissioners and for the constitution, regulation, compensation and government of such boards and of municipal police force. (4.) For the holding of municipal elections and the election or appointment and terms of members of boards of election, and for constitution, regulation, compensation and government of such boards and their employees, and for all expenses incident to any election. Plenary authority is granted to cities or consolidated cities and counties to provide for manner in which, method by which, times at which and terms for which county and municipal officers and employees, whose compensation is paid by city or by city and county, except judges of superior court, shall be elected or appointed, and for their recall, removal, compensation and assistants. All such provisions of any charter heretofore adopted and which are in accordance herewith are hereby confirmed and declared valid. (5.) For separation of any city of population more than 50,000 from county, and its formation into a consolidated city and county. Any such city may frame charter for such city and county government within prescribed territorial boundaries, including contiguous territory in same county, but not now included in said city. (Full and detailed provision is made for the submission in form prescribed and for securing the consent of majority of electors of all incorporated cities and towns or unincorporated territory affected and for the apportionment of debts and liabilities.) (6.) For annexing to any consolidated city and county contiguous territory in one or more counties, provided that all such territory was at the time of the original consolidation of the annexing city and county within the county from which such annexing city and county was formed together with territory then or since joined in a county government with the area of the original county not included in such consolidated city and county. (Full and detailed provision is made for the submission in form prescribed and for securing the consent of majority of the electors of all incorporated cities and towns or unincorporated territory affected and for the apportionment of debts and liabilities.) Such consolidated city and county shall possess all powers conferred upon cities, cities and counties and counties in so far as applicable. Legislature shall provide for the formation of one or more counties out of remaining

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Contents of Charters (*Cont'd*)

Optional Provisions (*Cont'd*)

territory or for its transfer to adjoining county, subject to approval of a majority of its electors voting thereon. In such cases the restrictions imposed in section 2 of this article and in section 3 of this article as to location of county lines shall not apply. Any city and county formed under this section may retain name of city initiating the consolidation. Provision may be made for establishment of a borough system of government, each borough to have subordinate municipal powers. No property in territory annexed shall be taxed for payment of any indebtedness of city or county to which it is annexed, outstanding at the date of annexation, and for which such property was not liable theretofore, except with the consent of a majority of the electors within such territory, voting thereon. (7.) In all cases of annexation or consolidation, assumption of bonded debt of one part of territory by the other may be made by majority vote of electors voting thereon in part which shall assume such debt. Legislature shall enact such general laws as are necessary to carry out provisions of this section and such general or special laws as are necessary to carry out the provisions of subdivisions 5 and 6 hereof. (Cal. XI 8½.)

Charter of city, city and county, or county may provide manner of election of elective officers, and prescribe a proportion of votes higher than the plurality fixed by constitution as necessary for a choice. (Cal. XX 13.)

Officers of city and county of Denver shall be such as by election or appointment may be provided for in charter; jurisdiction, term, duties and qualifications of such officers shall be such as charter may provide. (Colo. XX 2.)

Charter and amendments shall always be in harmony with and subject to constitution and laws of Missouri, except only that provision may be made for the graduation of the rate of taxation for city purposes in portions of city added by proposed enlargement. (Mo. IX 23, St. Louis.)

Cities and towns may provide for manner of exercising initiative and referendum powers as to municipal legislation, but not more than 10 per cent. of voters may be required to order referendum, nor more than 15 per cent. to propose any measure by the initiative. (This provision is found in section relating to initiative and referendum and it is not clear whether provision referred to is to be made in charter.) (Ore. IV 1a.)

City may levy, assess and collect such taxes as may be authorized by law or by charter, but no tax for any purpose for any year shall exceed 2½ per cent. of the taxable property. (Tex. XI 5.)

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MUNICIPAL HOME RULE (*Cont'd*)
POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)
Contents of Charters (*Cont'd*)
Restrictions Upon
If any officer of city or county of Denver received any compensation he or she shall receive same as stated salary, amount of which shall be fixed by charter and paid out of the treasury of city and county in equal monthly payments. No charter shall diminish tax rate for state purposes fixed by act of general assembly or interfere in any way with collection of state taxes. (Colo. XX 2, 5.)
No charter or amendment shall diminish tax rate for state purposes fixed by act of legislature, or interfere in any way with collection of state taxes. (Nebr. XIa 4.)
No tax for any purpose for any year shall exceed 2½ per cent. of taxable property of city, and no debt shall be created by city unless provision is made to assess and collect annually sufficient sum to pay interest and create sinking fund of at least 2 per cent. (Tex. XI 5.)
Relation of Charter and Laws of State
Charter shall be consistent with and subject to laws of state. (Ariz. XIII 2; Minn. IV 36; Mo. IX 16, 20, St. Louis; Nebr. XIa 2; Okla. XVIII 3a; Wash. XI 10.)
Charter shall be subject to general laws of state. (Mich. VIII 21; Tex. XI 5; Wash. XI 10.)
The provisions of charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws. All elective officers of counties, townships, road districts and highway construction districts shall be nominated and elected as provided by general law. Whenever a county has adopted a charter and the same has been approved by legislature, the general laws passed under sections 4 and 5 of this article shall, as to such county, be superseded by charter as to matters for which under this section it is competent to and has made provision in charter, except as herein otherwise expressly provided and except that all elective officers of county or district, township or division thereof, in office when charter goes into effect shall continue to hold office until expiration of term for which elected unless sooner removed in manner provided by law. Provisions of charter relating to road districts and highway construction divisions shall be subject to such regulations and conditions as may be imposed by legislature. (Cal. XI 7½, county.)
No charter shall diminish tax rate for state purposes fixed by general assembly or interfere in any way with collection of state taxes. (Colo. XX 5.)
Charter and ordinances made pursuant thereto as to municipal and local matters shall supersede within jurisdiction of city or town any law of state in conflict. Statutes of state, so far

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Relation of Charter and Laws of State (*Cont'd*)

as applicable, shall apply to cities and towns except in so far as superseded by charters or ordinances passed pursuant to such charters. (Colo. XX 6.)

Legislature may provide general laws relating to affairs of cities, application of which may be limited to cities of over 50,000 inhabitants, of 50,000 and not less than 20,000, of 20,000 and not less than 10,000, or of 10,000 or less, which shall be paramount while in force to provisions relating to same matter in charter; but no local charter, provision or ordinance passed thereunder shall supersede any general law defining or punishing crimes or misdemeanors. (Minn. IV 36.)

Notwithstanding the provisions of this article the general assembly shall have the same power over the city and county of St. Louis that it has over other cities and counties of the state. (Mo. IX 25, St. Louis.)

The legislative assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. Charter shall be subject to criminal laws (and possibly to local option law) of state. (Ore. XI 2.)

Charter shall be subject to such limitations as may be prescribed by legislature. (Tex. XI 5.)

General Provisions as to Elections

Every special election under provisions of this section shall be called by board of supervisors by ordinance which shall specify purpose and time of election, establish the election precincts and designate the polling places and election officers. Such ordinance prior to election shall be published five times in daily newspaper, or twice in weekly newspaper if there be no daily newspaper printed, published and circulated in county, and if no daily or weekly newspaper, then a copy of ordinance shall be posted by county clerk in at least three public places and on or near the entrance to a public school in each school district. In all other respects every such election shall be held and conducted in same manner as provided by law for general election. Whenever boards are elected or proposed charter or amendments submitted at general election, the general laws, applicable to election of county officers and submission of propositions to vote, shall be followed in so far as applicable. (Cal. XI 7½, county.)

Percentages of registered electors required for election of freeholders or submission of amendments shall be calculated upon total vote cast at last preceding general state election and the qualified electors shall be those whose names appear upon registration records of same or preceding year. Election laws of city or city and county shall, as far as applicable, govern elections held under authority of this section. (Cal. XI 8.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

General Provisions as to Elections (*Cont'd*)

All elections and submission of questions shall be conducted by election authorities prescribed by general law. Percentage of electors required to sign petition shall be based on total vote at last general municipal election. (Ohio XVIII 14.)

All elections shall be had only upon notice specifying object of election, given for at least 10 days before election, in every election district. Such elections may be either general or special, and except as otherwise provided in this section, shall be governed by law regulating or controlling general or special elections in city. (Wash. XI 10.)

Amendment and Revision

Charter may be amended by amendments, proposed and submitted by legislative authority of city to the qualified electors (or by petition as hereinafter provided), at a general or special election and ratified by majority of qualified electors voting thereon and approved by governor as provided for the approval of the charter. (Reference to petition is ambiguous.) (Ariz. XIII 2, 3.)

Charter may be amended by proposals submitted by board of supervisors to electors at general or special election not less than 30 days nor more than 60 days after publication or posting of proposals in same manner as provided for original charter. If majority of electors voting thereon vote in favor of proposed amendment, such amendment shall be deemed ratified and shall be submitted to legislature if in session, or at next regular or extraordinary session, for approval as a whole, without power of alteration or amendment, and if approved by legislature, charter shall be amended accordingly. Copy of amendment shall be authenticated and filed as provided for original charter. Whenever petition, signed by 10 per cent. of electors of county, computed upon total number of votes cast in county for all candidates for governor at last general election at which governor was elected, is filed in office of county clerk, petitioning board of supervisors to submit any proposed amendment set forth in full in such petition, such petition shall be examined and certified by county clerk and if signed by requisite number of electors shall be presented to board of supervisors, as provided for petitions for election of board of freeholders. Upon presentation of petition, board of supervisors must submit proposed amendment in same manner as provided for submission of amendment proposed by board. (Cal. XI 7½, county.)

Charter may be amended by proposals submitted by legislative body of city on its own motion or on petition signed by 15 per cent. of registered electors, or both. Proposals shall be submitted only during six months next preceding regular

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Amendment and Revision (*Cont'd*)

session of legislature or before the final adjournment of such session and at either a general election or special election called for the purpose. Petitions for submission of amendment shall be filed with legislative body of city or city and county, not less than 60 days prior to general election next preceding regular session of legislature. Signature on petitions shall be verified by authority in charge of registration records of city or city and county and expenses of verification shall be provided by legislative body. If petitions have sufficient signatures legislative body shall submit proposed amendment to electors. Amendments proposed by legislative body and amendments proposed by petition may be submitted at same election. Amendments shall be advertised in same manner as a proposed charter and election held on day fixed by legislative body not less than 40 nor more than 60 days after completion of advertisement in official paper. If majority voting on any amendment vote in favor it shall be deemed ratified and shall be submitted to legislature at regular session next following such election and approved or rejected without power of alteration in same manner as provided for charter. (Cal. XI 8.)

Citizens of city and county of Denver shall have exclusive power to amend charter or adopt new charter. A number of qualified electors, not less than 5 per cent. of next preceding gubernatorial vote, may petition council for charter amendment or charter convention. Council shall submit same to vote at next general election not held within 30 days after filing of petition. If such petition is signed by number of qualified electors not less than 10 per cent. of next preceding gubernatorial vote, with request for special election, council shall submit it at special election to be held not less than 30 nor more than 60 days from filing of petition, provided that any question so submitted at special election shall not again be submitted at special election within two years thereafter. Whenever question of charter convention is carried by majority of those voting thereon, convention shall be called by special election ordinance and convention held, charter submitted and expenses paid as provided for adoption of original charter. The clerk shall publish with his official certification three times, a week apart, in official newspaper, full text of charter, amendment or proposal for convention or alternative article or proposition, the first publication to be with his call for general or special election. Within 10 days after vote clerk shall publish once in said newspaper full text of any charter, amendment, proposal for convention, or alternative article or proposition, approved by majority voting thereon and shall file with secretary of state two copies thereof (with

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Amendment and Revision (*Cont'd*)

vote for and against) officially certified by him, which shall go into effect from date of filing. He shall also certify to secretary of state (with vote for and against) two copies of every defeated alternative article or proposition, charter, amendment or proposal for convention. Signatures to petitions need not all be on one paper. Nothing herein or elsewhere shall prevent council from adopting automatic vote registers. No charter or amendment adopted or defeated under provisions of this amendment shall be amended, repealed or revised except by petition and electoral vote. (Colo. XX 4, 5.)

Charter may be amended only by proposal made by board, published for at least 30 days in three newspapers of general circulation and accepted by three-fifths of qualified voters voting at next election. Legislature may prescribe duties of commission (board) relative to submitting amendments, and shall provide that upon application of 5 per cent. of legal voters by written petition commission shall submit proposed amendments set forth in petition. (Minn. IV 36.)

Charter may be amended only by proposal made by lawmaking authorities of city, published for at least 30 days in three newspapers of largest circulation in city, one of which shall be printed in German language, and accepted by three-fifths of qualified voters voting at a general or special election. (Mo. IX 16.)

Charter may be amended by proposals submitted by lawmaking authorities of city to qualified voters at general or special election held at least 60 days after publication of proposals and accepted by three-fifths of qualified voters voting for or against each amendment so submitted. Lawmaking authorities of city may order election by qualified voters of board of 13 freeholders to prepare new charter, which shall be in harmony with and subject to constitution and laws of state and shall provide for chief executive and at least one house of legislation elected by general ticket. Revised charter shall be submitted to qualified voters at election held not less than 20 days nor more than 30 days after the order therefor, and if majority of voters voting at such election ratify charter it shall become organic law of city and 60 days thereafter shall take effect and supersede charter and all special laws inconsistent therewith. (Mo. IX 22, St. Louis.)

Charter may be amended or convention called by proposal made by lawmaking body or by qualified electors in numbers not less than 5 per cent. of next preceding gubernatorial vote in said city by petition filed with council or governing authorities, who shall submit same to vote of qualified electors at next general or special election not held within 30 days after such petition is filed. Whenever question of charter

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Amendment and Revision (*Cont'd*)

convention is carried by majority voting thereon convention shall be called through special election ordinance. City clerk shall publish with his official certification three weeks, a week apart, in the official paper of city, and if there be no official paper, then in at least one newspaper published and in general circulation in city, the full text of any charter or amendment to be voted on at any general or special election. No charter or amendment shall be amended or repealed except by electoral vote. All amendments shall be authenticated in same manner as provided for charter and shall be filed with secretary of state and deposited in archives of city. (Nebr. XIa 2, 4.)

Amendments may be submitted to electors by two-thirds vote of legislative authorities of municipalities, and upon petition signed by 10 per cent. of electors, setting forth any such proposed amendment, shall be submitted by such legislative authorities. Submission of amendments shall be governed by requirements of section 8 as to submission of question of choosing charter commission and copies shall be mailed to electors as provided for copies of proposed charter. If any such amendment is approved by majority of electors voting thereon it shall become part of charter. (Ohio XVIII 9.)

Charter may be amended by proposals submitted by legislative authority of city to qualified electors (or by petition) at a general or special election, ratified by majority voting thereon and approved by governor as provided for approval of charter. * * * Power of initiative and referendum with reference to amendment of charter is reserved to people of every municipal corporation. Petition shall be signed by number of qualified electors, equal to 25 per cent. of total number of votes cast at next preceding election, and filed with chief executive officer of municipality. He shall submit it to electors at next election of any officers of city, and if a majority of those voting thereon ratify, it shall become amendment to and part of charter when approved by governor and filed as required in case of original charter. (Okla. 3a, 4a, b, e.)

Charter may be amended by majority vote of qualified voters at election held for that purpose, subject to such limitations as may be prescribed by legislature, and provided that no charter shall be altered, amended or repealed oftener than every two years. (Tex. XI 5.)

Charter may be amended by proposals submitted by legislative authority of city to electors at any general election after notice published as required for charter, and ratified by majority of qualified electors voting thereon. (Wash. XI 10.)

Constitutional Provision Self-Executing

This article shall be in all respects self-executing. (Colo. XX 6.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Constitutional Provision Not Self-Executing

Before any city shall incorporate under this act the legislature shall prescribe general limits within which charter shall be framed. (Minn. IV 36.)

Surrender of Charter

Charter of any county may be surrendered and annulled with assent of two-thirds of electors voting at special election called by board of supervisors upon receipt of petition, signed and certified as provided for the purposes of adoption of charters, requesting board to submit question of surrender and annulment of charter. In event of surrender and annulment, county shall thereafter be governed under general laws. (Cal. XI 7½, county.)

Violation of Charter Criminal

Any act in violation of a charter, or of any ordinance thereunder, shall be criminal and punishable as such when so provided by any statute now or hereafter in force. (Colo. XX 6.)

Expenses

Expenses of charter convention shall be paid out of the treasury on order of president and secretary thereof. Expenses of elections shall be paid out of treasury on order of council. Every ordinance for election of charter convention members shall specify compensation, if any, to be paid to officers and members, allowing no compensation in case of non-attendance or tardy attendance. (Colo. XX 4.)

Special Provisions as to Particular Charters

Charter of city and county of San Francisco may be amended in addition to method and times provided in article XI, section 8, in the following particulars: (a) Authorizing San Francisco to issue bonds not exceeding $5,000,000, and to turn over the proceeds to the Panama-Pacific International Exposition Company for the purposes of the exposition. (b) Providing that such debt shall be exclusive of the debt limit in article XII, section 9, of said charter. (c) Granting to exposition company exclusive possession and use of certain streets, parks, and other public lands for a period terminating not later than one year after closing of exposition. Proposals to amend charter as above may be submitted to electors by the legislative authority of city at a general or special election after such publication as shall be determined by said legislative authority. Upon ratification by a majority voting thereon, amendment shall become operative immediately without necessity of approval by legislature. Any acts in submitting and voting upon such amendments, already performed, are hereby validated as if performed subsequent to adoption of this amendment. Exposition company shall account for all such funds by itemized statement filed with auditor of San Francisco. (Cal. XI 8a.)

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MUNICIPAL HOME RULE (*Cont'd*)

POWER OF MUNICIPALITY TO FRAME ITS CHARTER (*Cont'd*)

Special Provisions as to Particular Charters (*Cont'd*)

All provisions of charters of city and county of Denver and of cities of Pueblo, Colorado Springs and Grand Junction, and of any other city, heretofore filed with secretary of state which are not in conflict with this article (which also grants certain powers to cities) and all elections heretofore had under and pursuant thereto are hereby ratified, affirmed and validated as of their date. The provisions of section 6 (which grants certain powers to cities and towns, extends to them the same powers as to framing charters conferred upon the city and county of Denver in sections 4 and 5, and also contains additional provisions as to framing charters) shall apply to the city and county of Denver. (Colo. XX 6.)

City of St. Louis may extend its limits so as to embrace the parks now without its boundaries and other convenient and contiguous territory, and frame a charter for government of city thus enlarged. * * * Board of freeholders shall propose a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, the adjustment of the relations between the city thus enlarged and the residue of St. Louis county, and the government of the city thus enlarged by a charter. Scheme shall be submitted to voters of whole county, and charter to voters of city. (Mo. IX 20, St. Louis.)

MUNICIPAL SUBDIVISIONS OF STATE, *See* MUNICIPALITIES.

MUNICIPALITIES

Under this title are also digested provisions relating, as specified in the entries, to municipal corporations and to civil divisions of state, municipal divisions of state, municipal subdivisions of state, parishes (New Hampshire), political corporations, political divisions of state, political subdivisions of state, precincts, public corporations, subdivisions of state, and wards.

For provisions relating to counties, cities, towns, villages, boroughs, townships and districts, See those titles respectively.

For provisions relating to eminent domain and excess condemnation, See EMINENT DOMAIN.

For provisions relating to initiative and referendum, See INITIATIVE AND REFERENDUM.

For provisions relating to town plats, See ROADS.

INCORPORATION AND ORGANIZATION

For provisions relating to power of municipality to frame its charter, See MUNICIPAL HOME RULE—POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

In General

Legislature to provide by general laws for organization of municipal corporations. (S.C. VIII 1; S.D. X 1; Wyo. XIII 1.)

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MUNICIPALITIES (*Cont'd*)
INCORPORATION AND ORGANIZATION (*Cont'd*)
In General (*Cont'd*)
Municipal corporations not to be organized without consent of majority of electors residing within district proposed to be incorporated; consent to be ascertained in manner and under regulations prescribed by law. (Wyo. XIII 2.)
Legislature may make "special provision for municipal government and for the protection of chartered rights and powers of municipalities". (S.C. VII 11.)
Legislature to provide by general laws for organization of municipalities. (N.D. VI 130.)
Legislature may provide for establishment, government, and abolishment of municipalities, may alter and amend provisions for government, and in case of abolishment shall provide for protection of creditors. (Fla. VIII 8.)
Legislature to establish uniform system of government for municipalities "which shall be applicable except in cases where local or special laws are provided by the legislature that may be inconsistent therewith". (Fla. III 24.)
Legislature to provide by general laws for organization of precincts. (Utah XI 4.)
Precincts existing at time adoption of constitution recognized as legal subdivisions of counties and continued until changed by law in pursuance of constitution. (Utah XI 1.)
Creation of municipal corporations by special laws prohibited. (Ariz. XIII 1; Cal. XI 6; Okla. XVIII 1; Utah XI 5; Wash. XI 10.)
Special local or private laws changing lines or boundaries of wards, forbidden. (Ala. IV 104; Ky. 59; S.D. III 23; Utah VI 26.)
Local or special legislation incorporating or erecting or changing the lines of wards, forbidden. (Minn. IV 33.)
Creation of municipal corporations excepted from provisions forbidding creation of corporations by special laws. (N.Y. VIII 1.)
Nothing in constitution to "annul any charters to bodies politic and corporate" made by king of England or his representatives before Oct. 14, 1775. (N.Y. I 17.)
Nothing in constitution to "affect" any charter to bodies politic and corporate made by the state or persons acting under its authority after Oct. 14, 1775. (N.Y. I 17.)
Private, local or special legislation amending, confirming or extending charters of private municipal corporations or remitting the forfeiture thereof forbidden; but this not to prevent legislature altering or rearranging boundaries of city, town or village. (Ala. IV 104.)
Extension or amendment of charters may be by special law (this an exception to general provision). (Ida. XI 2.)

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MUNICIPALITIES (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

In General (*Cont'd*)

Legislature may "erect and constitute municipal or city government in any corporate town" of not less than 12,000 inhabitants "with the consent and on the application of a majority of the inhabitants" present and voting at a meeting held for that purpose. (Mass. Amend. II.)

Municipalities continued with same names, boundaries and rights until changed in accordance with constitution and laws of state. (N.M. XXII 12.)

Charters, ordinances and provisions relating to municipal corporations to remain in force till legally changed unless inconsistent with constitution; "but legislature may modify or abrogate". (N.C. VII 12, 14.)

On all questions submitted to vote of taxpayers of political subdivision of state women, otherwise qualified, to be eligible to vote. (Mont. IX 12.)

Powers of initiative and referendum reserved to people of municipality on all questions which the municipality is or may be authorized by law to control by legislative action. (Ohio II 1f.)

Laws "submitting town and corporate acts" may be made to take effect or not upon vote of electors interested. (Ore. I 21.)

Legislature, or people by initiative, may enact general law providing method whereby incorporated city, town or municipal corporation may surrender its charter and be merged into adjoining city or town, provided majority of electors of each incorporated city, town or municipal corporation affected authorize such surrender or merger. (Ore. XI 2a.)

Classification

Legislature to provide by general laws for classification of municipal corporations. Power of each class to be defined so that no such corporation has any powers or is subject to any restrictions other than all of same class. (S.C. VIII 1.)

Legislature to provide by general laws for classification of municipal corporations. Number of classes not to exceed four. Powers of each class to be defined by general law "so that no such corporations shall have any powers or be subject to any restrictions other than those of all corporations of the same class". (S.D. X 1; Wyo. XIII 1.)

Legislative Department

Vote of legislative body of municipality on elections to any office to be *viva voce* and entered on journals. (W.Va. VI 44.)

OFFICERS

See also PUBLIC OFFICERS.

In General

In all cases of contest for offices in municipalities appeal to lie at instance of aggrieved party from any inferior board, coun-

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MUNICIPALITIES (*Cont'd*)

OFFICERS (*Cont'd*)

In General (*Cont'd*)

cil or tribunal to the circuit court on terms and conditions on which appeals granted to that court in other cases and on appeal case to be tried *de novo*. (Ark. VII 51.)

Local or special legislation legalizing unauthorized or invalid acts of officers of municipalities prohibited. (Ky. 59; La. 48; Mo. IV 53.)

"Whenever practicable, the legislature may and whenever same can be done without detriment to the public service, shall consolidate offices" in municipalities and when consolidated "the duties of such additional office shall be performed under an *ex officio* title". (Wyo. XIV 6.)

Accounting for Public Funds

See also below, this subdivision, QUALIFICATIONS AND DISQUALIFICATIONS.

Person convicted of embezzlement or defalcation of public funds of municipality not to be eligible to any office of honor, trust or profit under state and legislature to provide for punishment as for felony. (Cal. IV 21.)

Legislature to provide for strict accountability of municipal and precinct officers for fees collected and for all public and municipal moneys paid to them or officially coming into their hands. (Ida. XVIII 6.)

Legislature to provide as to fees collected by and all public moneys paid to or which officially come into possession of precinct officers. (Wash. XI 5.)

No person who has collected or been entrusted with public money of municipal corporation to be eligible to legislature or to any office of honor, trust or profit in the state until he shall have duly accounted for and paid over such money according to law. (W.Va. VI 14.)

Laws to be "enacted and enforced by suitable provisions and penalties" requiring district and municipal officers who receive or whose duty it is to receive, hold or pay out money for the use of or belonging to the state or any county, district or municipal corporation to make annual account and settlement therefor. Such settlement to be subject to exceptions and to take such direction and have such force and effect as provided by law. Settlement to be recorded and open to examination of people at such convenient place as may be fixed by law. (W.Va. VI 27.)

Appointment

Local or special legislation relating to appointment of officers of wards, forbidden. (Minn. IV 33.)

Private, local and special laws appointing officers of municipalities, forbidden. (N.J. IV 7, 11.)

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MUNICIPALITIES (*Cont'd*)

OFFICERS (*Cont'd*)

Bonds

Surety, bonding and guarantee company organized for purpose of doing surety or bonding business and authorized to do business in the state may become surety on bonds of municipal officers under such regulations as may be prescribed by law. (Ark. XIX 21.)

Sureties of municipal officers to reside in and have sufficient visible and unencumbered property not exempt from sale under process to make good their liability in county in which principal resides but duly organized, responsible guarantee or surety company, foreign or domestic, doing business in state may be accepted as surety. (Fla. XVI 13.)

Compensation

See also below, this title, FINANCES — EXPENDITURES, RESTRICTIONS UPON — EXTRA COMPENSATION TO OFFICERS AND CONTRACTORS.

Legislature to regulate compensation of municipal officers. (Cal. XI 5.)

Where not provided by law, salaries of precinct officers to be fixed by board of supervisors of each county and salaries so fixed to be in effect until changed by general law. (Ariz. XII 4.)

Compensation of precinct officers to be as prescribed by law. (Colo. XIV 7.)

Legislature to regulate compensation of precinct officers in proportion to duties and for that purpose may classify districts according to population. (Wash. XI 5.)

Salary, fees, or compensation of civil officers not to be increased or diminished during term for which elected or appointed. (Ala. XVII 281.)

Legislature not to authorize or require and municipality not to have authority to increase or decrease fees and compensation of any public officers during their terms of office. This does not apply to allowances by commissioners' court or boards of revenue to county officers for *ex-officio* services. (Ala. IV 68.)

Compensation of municipal officers not to be increased after election or during term. (Cal. XI 9.)

Fees, salary or compensation of officer elected or appointed for definite term not to be increased or diminished during term. (Ill. IX 11.)

Compensation of municipal officers not to be changed after election or appointment or during term. (Ky. 161; Wash. XI 8.)

Compensation of municipal officers not to be increased during term. (Mo. XIV 8.)

Local or special legislation fixing or relating to compensation, salary or fees of officers of wards, forbidden. (Minn. IV 33.)

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MUNICIPALITIES (*Cont'd*)
OFFICERS (*Cont'd*)
Compensation (*Cont'd*)
Fees of executive or ministerial officers of municipalities exclusive of salaries actually paid to necessary deputies not to exceed $10,000 annually. (Mo. IX 13.)
Corrupt Practices, *See below, this title,* CORRUPT PRACTICES.
Creation of Offices
Legislature by general and uniform laws to provide for election or appointment in the several counties, of such municipal officers as public convenience requires. (Cal. XI 5.)
Legislature to provide for election or appointment of such municipal and precinct officers other than those mentioned in constitution as public convenience requires. (Colo. XIV 12.)
Legislature to provide by general and uniform laws for such municipal officers as public convenience requires. (Ida. XVIII 6.)
Legislature may provide for election or appointment of such municipal officers other than those mentioned in constitution as public convenience may require. (Mont. XVI 6.)
Election
See also ELECTIONS.
Local or special legislation relating to election of officers of wards, forbidden. (Minn. IV 33.)
Precinct officers to be elected at general election, on first Tuesday after first Monday of November in even numbered year and every two years. (Ariz. VII 11.)
At election candidates for ward offices receiving largest number of votes to be elected. (R.I. Amend. X 1.)
Fees
Legislature to establish fees to be collected for services performed by municipal officers in manner and for uses provided by law, and for this purpose may classify counties by population. (Cal. XI 5.)
All executive and ministerial officers of municipalities to make quarterly returns to county court of fees received and salaries paid to deputies and assistants, stating same in detail, verified by affidavit. Statement or omission therein to subject them to penalties of perjury. (Mo. IX 13.)
Place of Office
Officers of municipalities and precincts to keep place of office at such place therein as prescribed by law. (Ore. VI 8.)
Powers and Duties
Legislature by general and uniform laws to prescribe duties of municipal officers. (Cal. XI 5; Ida. XVIII 6.)
Precinct officers to perform such duties as prescribed by law. (Ida. XVIII 11; Wash. XI 5.)
Local or special legislation creating or prescribing powers and duties of officers of wards, forbidden. (Minn. IV 33.)

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MUNICIPALITIES (*Cont'd*)

OFFICERS (*Cont'd*)

Powers and Duties (*Cont'd*)

Except as otherwise provided in constitution duties of municipal officers to be as prescribed by law. (Mo. IX 14.)

Municipal and precinct officers to perform such duties as prescribed by law. (Ore. VI 8.)

No person to hold office or employment of trust or profit under any ordinance of any municipality without devoting his personal attention to duties thereof. (Colo. XII 2.)

"No person appointed or elected to any office or employment of profit under * * * or by virtue of any ordinance of any municipality of this state shall hold such office or employment without personally devoting his time to the performance of the duties thereof." (Miss. XIV 267.)

No person to hold elected or appointed office or employment of trust or profit under any ordinance of any municipality without "personally devoting his time to the performance of the duties" of such office or employment. (Mo. II 18.)

All persons holding office or employment of trust or profit under municipality required to give personal attention to duties. (Okla. II 11.)

Qualifications and Disqualifications

In General

To be qualified voter of municipality or political division in which elected or appointed. (Ariz. VII 15.)

Parochial, municipal or ward officer must be citizen of state and be qualified elector of state, district, parish, municipality or ward wherein functions of office to be performed; change of residence from place thus required to vacate office "any declaration of retention of domicile to the contrary notwithstanding". (La. 210.)

To be residents of the political subdivision for which elected or appointed. (N.M. V 13.)

Every person qualified to vote to be eligible to office in "subdivision of state" where he resides except as otherwise provided in the constitution and except that this does not apply as to residence to office elective by people where law provides otherwise. (Va. II 32.)

Only citizens entitled to vote to be elected or appointed. (W.Va. IV 4.)

In departments or institutions involving interests or care of women or children or both, women eligible to membership in boards or to positions. (Ohio XV 4.)

No officer, employee, attorney, or agent "of corporation, company or association", doing business under or by virtue of municipal charter or franchise to be eligible to municipal office in the municipality granting such charter or franchise. (Utah XII 17.)

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MUNICIPALITIES (*Cont'd*)

OFFICERS (*Cont'd*)

Qualifications and Disqualifications (*Cont'd*)

In General (*Cont'd*)

No collector or receiver of public money or his deputy or assistant to be eligible to office of trust or profit under laws of any municipality until he accounts for and pays over all public money for which he is accountable. (Colo. XII 3; Mo. II 19.)

No person in default as collector or custodian of money of municipal corporation to be eligible to any office thereunder. (Ill. IX 11.)

No person entrusted with public money to be eligible to legislature or any office of honor, profit or trust under state government, or any parish or municipality until he obtains discharge for all public money with which entrusted. (La. 182.)

Dual Office Holding

Election officers ineligible for office filled at election at which he serves except to such subordinate municipal or local offices below grade of city or county officers as shall be designated by law. (Ark. III 10.)

No person at same time to hold two municipal offices either in same or different municipalities except as otherwise provided by constitution. (Ky. 165.)

No state officer or deputy or member of legislature to be officer or employee of municipality; but notary public or officer of militia not to be ineligible. (Ky. 165.)

No person holding "lucrative office" under municipality to be eligible to seat in legislature. No member of legislature during term for which elected to be appointed to any municipal office. (Mo. IV 12.)

"In cities or counties having more than 200,000 inhabitants, no person shall, at the same time, be a state officer and an officer of any county, city or other municipality; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities; but this section shall not apply to notaries public, justices of the peace or officers of the militia." (Mo. IX 18.)

Removal

In case of municipalities governed under legally adopted charter, provisions of such charter to control dismissal from office; but this not to limit term of persons appointed during good behavior under civil service laws of state or any political division. (Cal. XX 16.)

District attorney may institute suit in district court of domicile of officer, and in parish of Orleans in civil district court, for removal of municipal and ward officers, for high crimes and misdemeanors, non-feasance or malfeasance in office, incompetency, corruption, favoritism, extortion or oppression in office

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MUNICIPALITIES (*Cont'd*)

OFFICERS (*Cont'd*)

Removal (*Cont'd*)

or gross misconduct or habitual drunkenness; such suit to be instituted on written request of 25 resident citizens and taxpayers, who may enforce request by mandamus; all parties, including petitioning taxpayers, authorized to appeal; if officer acquitted, petitioning citizens liable to cost. Detailed provision for preference of appeal. Pending suit not to operate as suspension of accused officer. (La. 217, 222.)

Legislature may authorize governor to remove and appoint officers of municipal corporations under regulations prescribed by law. (Miss. V 139.)

Drunkenness while in office to constitute sufficient cause for impeachment or removal. (Okla. II 11.)

Selection

Legislature by general and uniform laws to provide for election or appointment in the several counties, of such municipal officers as public convenience requires. (Cal. XI 5.)

Legislature to provide for election or appointment of such municipal and precinct officers other than those mentioned in constitution as public convenience requires. (Colo. XIV 12; Mont. XVI 6.)

Legislature to provide by general and uniform laws for such municipal and precinct officers as public convenience requires. (Ida. XVIII 6.)

Legislature to provide by general and uniform laws for election of such precinct officers as public convenience may require. (Wash. XI 5.)

Except as otherwise provided by constitution legislature to provide for election or appointment of such municipal officers as public convenience may require. (Mo. IX 14.)

Such municipal and precinct officers as may be necessary other than those mentioned in the constitution to be elected or appointed as prescribed by law. (Ore. VI 7.)

Term

Legislature by general and uniform law to prescribe term of municipal officers. (Cal. XI 5; Ida. XVIII 6.)

Except as otherwise provided by constitution term of municipal officers to be as prescribed by law, but not to exceed four years. (Mo. IX 14.)

Terms of municipal and precinct officers provided for by legislature and not mentioned in constitution, to be prescribed by law but not to exceed two years. (Colo. XIV 12; Mont. XVI 6.)

Term of elective municipal officers to be such even number of years not exceeding four as may be prescribed by legislature. (Ohio XVII 2.)

Term of municipal officers not to be extended beyond time for which elected or appointed. (Cal. XI 9; Ky. 161; Mo. XIV 8; Wash. XI 8.)

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MUNICIPALITIES (*Cont'd*)
OFFICERS (*Cont'd*)
Term (*Cont'd*)
Terms of precinct officers to be fixed by legislature. (Wash. XI 5.)
In case of municipalities governed under legally adopted charter, provisions of such charter to control; but this not to limit term of employees appointed during good behavior under civil service laws of state or any political division. (Cal. XX 16.)
Every person holding any civil office under any municipality shall unless removed according to law exercise duties of such office until successor is duly qualified; but this does not apply to "members of any board or assembly" two or more of whom are elected at same time; and legislature may provide for suspending officer in his functions pending impeachment or prosecution for misconduct in office. (Colo. XII 1.)
Municipal officers to continue in office until successors duly qualified. (Fla. XVI 14.)
Vacancies
Change of residence of municipal or ward officer from place required to vacate office "any declaration of retention of domicile to the contrary notwithstanding". (La. 210.)
Vacancies in municipal and precinct offices to be filled in manner prescribed by law. (Ore. VI 9.)
County commissioners to fill by appointment vacancies in precinct offices and appointees to hold until next general election and successors qualify. (Mont. XVI 5; Wash. XI 6.)
EMPLOYEES
See also LABOR — PUBLIC WORK.
Provisions of legally adopted charter with reference to tenure of or dismissal from office to control (proviso to provision limiting terms to four years). (Cal. XX 16.)
All appointments and promotions in civil service of civil division of state to be made "according to merit and fitness to be ascertained so far as practicable by examination which so far as practicable shall be competitive"; but citizen veterans of Civil war resident in state to be entitled to preference without regard to standing on eligible list; laws to be passed to enforce this section. (N.Y. V 9.)
Legislature may regulate and fix wages and salaries and hours of work and make provision for protection, welfare and safety of employees of civil division of state. (N.Y. XII 1.)
CORRUPT PRACTICES
Bribery and Corrupt Solicitation
See also PUBLIC OFFICERS — BRIBERY.
Corrupt solicitation of public officers of "municipal division of state" and occupation or practice of solicitation of such persons to influence their official action, to be defined by law and

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MUNICIPALITIES (*Cont'd*)

CORRUPT PRACTICES (*Cont'd*)

Bribery and Corrupt Solicitation (*Cont'd*)

punishable by fine and imprisonment. (Colo. V 42; Mont. V 43; Pa. III 31; Wash. II 30; Wyo. III 45.)

Testimony of corrupt solicitation of officers of "municipal division of state" may be compelled with immunity from prosecution except for perjury. (Pa. III 32; Wash. II 30; Wyo. III 44.)

Corrupt solicitation of public officers of "municipal division of state" and occupation or practice of solicitation of such persons to influence their official action, to be defined by law and punished by fine and imprisonment in penitentiary. (Ala. IV 81.)

Corrupt solicitation of public officers of "municipal division of state" and any effort towards solicitation of such officers to influence their official action, to be defined by law and punished by fine or imprisonment. (S.D. III 28.)

Testimony of corrupt solicitation of officers of "municipal division of state" may be compelled with immunity from prosecution except for "bribery in giving such testimony". (S.D. III 28.)

If any person offers or gives any sum of money, bribe, present, reward, promise or any other thing to any municipal officer with intent to induce or influence him to appoint any person to office, to vote, or exercise any power in him vested, or to perform any duty of him required, the person giving or offering to give and the officer so receiving any money, bribe, present, reward, promise, contract, obligation or security with intent aforesaid shall be guilty of bribery and on conviction to be disqualified from holding any state, parochial or municipal office, and to be forever ineligible to seat in legislature; but legislature may enact additional penalties. (La. 183.)

Legislature to provide by law for punishment by fine or imprisonment in penitentiary, or both, in discretion of court, of any person bribing or attempting to bribe member or officer of any municipal corporation in state, or any executive officer of such corporation in order to influence him in performance of official duties; and also of any of said officers or members who demand bribe, fee, reward or testimonial for performance of official duties, or for neglecting or failing to perform them; and also for compelling any person so bribing or attempting to bribe, or demanding or receiving bribe, fee, reward or testimonial, to testify against any person or persons guilty of such offense; but persons so compelled to testify to be exempted from trial and punishment for offense for which guilty; any person convicted of such offense shall be forever disfranchised and disqualified from holding office of trust or profit in state. (Md. III 50.)

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MUNICIPALITIES (*Cont'd*)

CORRUPT PRACTICES (*Cont'd*)

Interest in Contracts

No member of legislature during term or for one year thereafter to be directly or indirectly interested in contracts to which municipality is a party if authorized by any law passed during such term. (N.M. IV 28.)

Members of legislature during term for which elected or within two years thereafter not to be interested in contracts of subdivision of state if authorized by law passed during term for which elected. (Okla. V 23.)

Free Transportation

See also PUBLIC OFFICERS — FREE PASSES, ETC.

No railroad or transportation company to grant free or discounted passes or tickets to officers of municipalities. Legislature to enforce by suitable provision (no prohibition to accept). (Miss. VII 188.)

Acceptance of free or discounted passes or tickets from railroad or other transportation company by municipal officer to be forfeiture of office. (Mo. XII 24.)

Transportation company not to give and officer of any district or municipality not to receive free or reduced rates of transportation; officer violating to forfeit office and be punished as prescribed by law; but this does not prevent firemen or policemen from accepting free transportation while in discharge of duty. (Va. XIII 161.)

Candidates or incumbents of office or position under any ordinance of municipality, forbidden to ask, or accept, or use free pass, frank or privilege withheld from other persons for transportation of person or property or transmission of any message under penalty of punishment for bribery, and in case of an officer, the vacation of his office. No person privileged from testifying, but not to be prosecuted or punished for any offense concerning which he was required to testify or produce documentary evidence. (Wis. XIII 11.)

POWERS AND RIGHTS

See also throughout this title.

For provisions relating to power of municipality to frame its charter, See MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

For provisions relating to eminent domain and excess condemnations, See EMINENT DOMAIN.

For provisions relating to taxation, See TAXATION.

For provisions relating to special assessments for benefits, See TAXATION — SPECIAL ASSESSMENTS.

For provisions relating to sale of liquors, See LIQUORS.

In General

Municipalities to have authority to exercise all powers of local self-government and to adopt and enforce within their limits

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MUNICIPALITIES (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

In General (*Cont'd*)

local police, sanitary and other similar regulations not in conflict with general laws. (Ohio XVIII 3.)

"Every municipal corporation now existing within the state shall continue with all of its present rights and powers until otherwise provided by law" and shall have all the additional rights and powers conferred by constitution. (Okla. XVIII 2.)

Legislature may grant to municipal corporations "such powers, privileges and immunities not repugnant to the constitution" as it deems necessary or expedient for regulation and government thereof. (Mass. Amend. II.)

Each municipal corporation within the state "shall have the right to engage in industrial pursuits". (Ariz. II 34.)

Municipal councils may create within their limits sewerage districts. (La. 281 (1).)

Municipality may appoint officers for inspection or measuring of merchandise, manufacture or commodity, when authorized by law. (Ala. IV 77; Pa. III 27.)

Streets of municipal corporations may be extended "over intervening tide lands to and across the area reserve" between harbor line and high-tide line for landings, wharves, streets and other conveniences of navigation and commerce. (Wash. XV 3, 1.)

Restrictions Upon

In General

Municipal commissions not to incur liabilities except in pursuance of previous appropriations by the municipal government. (Pa. XV 2.)

Stock and Bond Holding

Municipality or other subdivision of state not to become subscriber to or shareholder in any company or corporation. (Ariz. IX 7; Mont. XIII 1.)

Municipal corporations not to become stockholder in company, association or corporation. (Ark. XII 5.)

Municipalities not to subscribe to stock or purchase bonds of any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Municipality not to become shareholder in any private corporation or company. (Del. VIII 8.)

Municipal corporations not to become by vote of citizens or otherwise stockholder in any joint stock company, corporation or association. (Ida. XII 4.)

Subscription by municipalities to capital stock of any railroad or private corporation forbidden, but this not to affect right to make such subscriptions when authorized

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MUNICIPALITIES (*Cont'd*)
POWERS AND RIGHTS (*Cont'd*)
Restrictions Upon (*Cont'd*)
Stock and Bond Holding (*Cont'd*)
under existing laws by vote of people prior to adoption of this amendment. (Ill. Amend. 1870 — Municipal subscriptions to corporations separately submitted.)
Political or municipal corporations not to become directly or indirectly stockholder in banking corporation. (Iowa VIII 4.)
Political corporation or subdivision of state not to subscribe to or purchase stock of any corporation or association whatever. (La. 58.)
Municipal corporations not to subscribe to stock of railroad or other corporation or association. Authority granted prior to constitution for such purpose by legislature or corporate charter hereby repealed. This not to affect right to make subscription authorized by vote of people prior to constitution in pursuance of law then existing and where terms of submission and subscription have been or shall be complied with; or to prevent issue of renewal bonds or other means prescribed by law for payment of such subscription or of any indebtedness prior to constitution. (Miss. VII 183.)
Municipalities not to become subscriber to stock of railroad or other corporation or association. Authority previously conferred by legislature or by charter of any corporation repealed; but this does not prevent such subscription where authorized by vote of people prior to constitution or to prevent renewal bonds or other means prescribed by law for payment of such subscription or of any indebtedness prior to constitution. (Mo. IX 6.)
Legislature not to authorize political corporation or subdivisions of state to become stockholder in corporation, association or company. (Mo. IV 47.)
Precincts or subdivisions of state not to become subscriber to or owner of stock or interest therein of any railroad, private corporation or association. (Nebr. XIa 1.)
Municipal corporations not to become stockholder in joint stock company, corporation or association except railroad corporations, companies or associations. (Nev. VIII 10.)
Political subdivisions not to subscribe to or become owner of capital stock of any association or corporation. (N.D. XII 185.)
Municipal corporations not to become holder of corporate stock by vote of citizens or otherwise. (Ore. XI 9.)
Municipality not to become owner of capital stock of any association or corporation. (S.D. XIII 1.)

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MUNICIPALITIES (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

Restrictions Upon (*Cont'd*)

Stock and Bond Holding (*Cont'd*)

Municipal corporations not to become subscriber to stock of private corporation or association; this not to affect obligations undertaken pursuant to law prior adoption constitution. (Tex. XI 3.)

Political subdivision not to become owner of stock of any association or corporation. (Wyo. XVI 6.)

Legislature not to authorize political corporation or subdivision of state to become stockholder in corporation, association or company. (Tex. III 52.)

Municipal corporations not to become directly or indirectly owner of stocks or bonds of any association, company or corporation. (Wash. VIII 7.)

Legislature not to authorize subdivisions of state to become stockholder in any corporation, association or company by issuing bonds or otherwise. (Ala. IV 94.)

No political subdivision of state to be stockholder in bank. (Ala. XIII 253.)

Legislature to have no power to authorize any political subdivision of state to subscribe for or become stockholder in any corporation. For exception in case of irrigation districts, *See* IRRIGATION. (Cal. IV 31.)

Legislature not to authorize political subdivisions to subscribe to stock or bonds in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Legislature not to authorize municipal corporations or political subdivisions of state to become stockholders in company, association or corporation except for purely charitable purpose, but this not to prevent support of schools by municipal corporations within their limits. (Ga. VII Sec. VI 1.)

Joint Ownership

Municipalities not to become joint owner with any person, company or corporation. (Del. VIII 8.)

Municipality or other subdivision of state not to become joint owner with any person, company or corporation, except as to such ownership as may accrue by operation or provision of law. (Ariz. IX 7; Mont. XIII 8.)

CONTROL BY STATE

In General

Legislature may prescribe, alter or amend jurisdiction and powers of municipalities. (Fla. VIII 6.)

By-laws of municipal corporations to be subject at all times to be annulled by legislature. (Mass. Amend. II.)

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MUNICIPALITIES (*Cont'd*)
CONTROL BY STATE (*Cont'd*)
In General (*Cont'd*)
"Legislature shall have the right to vest such powers in the courts of justice with regard to private and local affairs of municipalities as may be expedient." (Tenn. XI 9.)
Legislature to have full power to modify, change or abrogate and substitute other provisions for all provisions of article dealing with municipal corporations except as to the methods and purposes of contracting local debt and levying taxes. (This appears as exception.) (N.C. VII 14.)
Penalty for violation of municipal ordinances not to be less than imposed by statute for same offense and conviction or acquittal to constitute bar to another prosecution for same offense. (Ky. 168.)
Restrictions Upon
Legislature not to delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal functions whatever. (Colo. V 35; Mont. V 36; Pa. III 20; S.D. III 26; Utah VI 29; Wyo. III 37.)
Legislature not to delegate to any special commission, private corporation, company, association or individual "any power to make, control, appropriate, supervise or in any way interfere with any municipal" improvement, money, property or effects whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal functions whatever, but legislature may provide for supervision and conduct of affairs of irrigation districts, reclamation districts or drainage districts. (Cal. XI 13.)
Private, special and local laws appointing commissions to regulate affairs of municipalities forbidden. (N.J. IV 7, 11.)
Legislature not to authorize any municipal corporation to pass laws inconsistent with general state laws. (Ala. IV 89.)
Municipalities not to be authorized to pass "any laws contrary to general laws of the state". (Ark. XII 4.)
"An infringement of the right of home rule for municipalities" not to be included in any emergency bill within provision that bills not to go into effect until 90 days after end of session unless emergency. (This relates to referendum.) *See* INITIATIVE AND REFERENDUM. (Me. IV Pt. III 16.)
Legislature not to pass any special act "relating to corporate powers except for municipal purposes". (Nev. VIII 1.)
Special or local legislation regulating affairs of wards, forbidden. (Minn. IV 33; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)
Local or special legislation regulating affairs of precincts, forbidden. (N.M. IV 24.)

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MUNICIPALITIES (*Cont'd*)

CONTROL BY STATE (*Cont'd*)

Restrictions Upon (*Cont'd*)

Legislature not to pass law for benefit railroad or other corporation or any individual or association retrospective in its operation or which imposes on people of any municipal subdivision new obligation in respect to transactions or considerations already passed. (Colo. XV 12.)

Legislature not to pass law for benefit of railroad or other corporations, or any individual or association, which imposes on people of any municipal subdivision of state a new liability in respect to transactions or considerations already passed. (Ida. XI 12; Mont. XV 13.)

Legislature not to pass law for benefit of railroad or other corporation or any individual or association retrospective in its operation or which imposes on people of "municipal corporation" new obligation in respect to transactions or considerations already passed. (Mo. XII 19.)

FINANCES

For provisions incidentally relating to finances, See also above, this title, "POWERS AND RIGHTS", *and* "CONTROL BY STATE".

Debt, *See below, this title* DEBT.

Taxation, *See* TAXATION.

In General

Expenditures by parishes for support and maintenance of public Protestant teachers of piety, religion and morality may be authorized by legislature. (N.H. I 6.)

Laws may require reports from municipalities as to financial condition and transactions, and may provide for examination of vouchers, books and accounts of all municipal authorities or undertakings conducted by them. (Ohio XVIII 13.)

Municipal commissions not to incur liabilities except in pursuance of previous appropriations by the municipal government. (Pa. XV 2.)

Local, special or private legislation refunding money "lawfully" paid into treasury of "political subdivision of state" forbidden. (Va. IV 63.)

Deposits

All moneys, assessments and taxes belonging to or collected for the use of coming into hands of any officer of public or municipal corporation to be immediately deposited with treasurer or other legal depositary to its credit for benefit of fund to which belonging. (Cal. XI 16; Wash. XI 15.)

All moneys belonging to municipality may be deposited in any national bank within municipality or in any bank organized under laws of state in manner and under conditions provided by law. Bank to furnish as security for deposits bonds of United States, California or any county, municipality or school district or irrigation district within municipality to be ap-

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MUNICIPALITIES (*Cont'd*)

FINANCES (*Cont'd*)

Deposits (*Cont'd*)

proved by officer designated by law to an amount in value at least 10 per cent. in excess of amount of deposit, and to pay reasonable rate of interest not less than 2 per cent. per annum on daily balances. Deposit at any time not to exceed 50 per cent. of paid-up capital stock of depository bank, and no officer to deposit at one time more than 20 per cent. of public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. (Cal. XI 16½.)

All money of "other subdivisions" of state except as otherwise provided in constitution shall, whenever practicable, be deposited in a national bank or bank incorporated under laws of state; bank to furnish security approved as provided by law and to pay reasonable rate of interest, such interest to accrue to the fund from which it is derived. (Wyo. XV 7.)

Claims By and Against

No bills, claims, accounts or demands against political subdivisions of state to be audited, allowed or paid until full itemized written statement shall be filed with the auditing officer. (N.D. XII 186.)

"No bills, claims, accounts or demands against political subdivision of state shall be audited, allowed or paid until a full itemized statement in writing verified by affidavit shall be filed with the officer or officers whose duty it may be to audit same." (Wyo. XVI 7.)

Not to be authorized or permitted to pay claim against municipality under contract made without express authority of law; and such contract shall be null and void. (Cal. IV 32; Ky. 162; La. 47; Mo. IV 48.)

Legislature not to pay or authorize payment of claim against municipality under contract made without express authority of law. (Tex. III 53.)

Legislature not to release or extinguish any indebtedness, liability or obligation of any corporation or person to municipal corporation. (Ill. IV 23; Mo. IV 51; Okla. V 53; S.D. III 24; Utah VI 27.)

Legislature not to release, diminish or authorize release or diminution in whole or in part indebtedness or liability of any corporation or individual to municipality. (Ky. 52.)

Legislature not to release or extinguish or authorize releasing or extinguishing any part indebtedness or obligation of corporation or individual to municipality; but heirs to confiscated property may be released from taxes due thereon at date of its reversion to them. (La. 59.)

Legislature not to release or extinguish, or authorize releasing or extinguishing any part of debt or obligation of corporation or individual to municipal corporation. (Tex. III 55.)

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MUNICIPALITIES (*Cont'd*)

FINANCES (*Cont'd*)

Claims By and Against (*Cont'd*)

Legislature not to exchange, transfer, remit, release, postpone or in any way diminish any obligation owned by municipal corporation; and such obligation not to be extinguished except by payment into proper treasury. (Wyo. III 40.)

Private or special legislation releasing or extinguishing any part of debt, liability or other obligation of any person or corporation to municipal corporation forbidden. (Cal. IV 25; Ida. III 19; Wash. II 28–10.)

Special or local legislation "relinquishing or extinguishing in whole or in part the indebtedness, liability or obligation of any corporation or person" to any municipal corporation in state forbidden. (Mont. V 26; N.M. IV 24; N.D. II 69; Wyo. III 27.)

Local, special or private legislation remitting, releasing, postponing or diminishing obligation or liability of person or corporation to "political subdivision of state" forbidden. (Va. IV 63.)

No obligation or liability of person, association or corporation held or owned by municipality to be remitted, released or postponed or in any way diminished by legislature nor extinguished except by payment nor exchanged or transferred except upon payment of face value; but this does not prevent legislature providing by general law for compromise of doubtful claim. (Ala. IV 100.)

No obligation of any person or corporation owned by municipal corporation to be exchanged, transferred, remitted, released or postponed or in any way diminished by legislature; nor shall such liability be extinguished except by payment into proper treasury. (Colo. V 38; Mont. V 39.)

No obligation of persons or corporations to municipal corporations to be exchanged, transferred, remitted, released, postponed or in any way diminished by legislature, nor shall such obligation be extinguished except by payment into proper treasury or by proper proceeding in court. (N.M. IV 32.)

Statute of limitations not to run against municipal corporations or subdivisions of state in civil cases. (Miss. IV 104.)

Expenditures, Restrictions Upon

In General

Legislature not to require municipal corporations to pay any charges which at time adoption constitution were payable out of state treasury. (Ala. XI 218.)

If municipal corporation offers money or property to state for locating or building capitol and state accepts, municipal corporation may comply with the offer. (Ga. VII Sec. VI 1; Ky. 179.)

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MUNICIPALITIES (*Cont'd*)

FINANCES (*Cont'd*)

Expenditures, Restrictions Upon (*Cont'd*)

In General (*Cont'd*)

Municipalities not to pay any debt or interest thereon contracted directly or indirectly in aid of the Rebellion. (N.C. VII 13.)

Legislature not to authorize payment of any claim hereafter created against municipality under contract "made without authority of law", but this does not apply to claims incurred by public officers in execution of state laws. (Utah VI 30.)

Aid to Private Enterprise

For provisions relating to power to lend credit to or incur debts for such purpose, See below, this title, DEBT — PURPOSE.

Municipality or other subdivision of state not to make any donation by subsidy or otherwise to individual, association or corporation. (Ariz. IX 7; Mont. XIII 1.)

Municipal corporations not to appropriate or obtain money, for any company, association or corporation. (Ark. XII 5.)

Municipal corporation not to make appropriation or pay from any public fund or grant anything to or in aid of religious sect, church, creed or sectarian purpose or help to support or sustain any school, college, university, hospital or other institution controlled by any religious creed, church or sectarian denomination, but this does not prevent legislature granting aid to institutions for the support and maintenance of dependent children and indigent aged persons authorized by constitution. (Cal. IV 30.)

Municipalities not to make donation to any railroad company; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Municipality not to appropriate money to any private corporation, person or company. (Del. VIII 8.)

Municipal corporation not to make by vote of citizens or otherwise donation to or in aid of any joint stock company, corporation or association. (Ida. XII 4.)

Donations by municipality to railroad or private corporation prohibited. (Ill. Amend. 1870 — Municipal subscription to corporations separately submitted.)

Municipal corporations not to make appropriation in aid of any railroad or other corporation or association. (Miss. VII 183.)

Legislature not to authorize grants of public money by political corporation or subdivision of state to or in aid of individual or association or corporation. But this not

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MUNICIPALITIES (*Cont'd*)
FINANCES (*Cont'd*)
Expenditures, Restrictions Upon (*Cont'd*)
Aid to Private Enterprise (*Cont'd*)

to prevent legislature authorizing villages which have organized fire departments to maintain from municipal revenue pension fund for disabled firemen and for relief of widows and minor children of deceased firemen. (Mo. IV 47.)

Appropriation or donation by municipalities in aid of railroad or other corporation or association or of "college or institution of learning or other institution whether created for or to be controlled by the state or others" forbidden. Authority previously conferred by legislature or any corporate charter repealed; but this does not prevent payment of subscription to corporate stock made or approved by people prior to constitution or the payment of then existing debt. (Mo. IX 6.)

Donations in aid of railroads and internal improvements not to be made by precinct or subdivision of state unless proposition has been first submitted to qualified electors at an election authorized by law. (Nebr. XII 2.)

Except as otherwise provided in constitution municipality not to make donations to or in aid of, directly or indirectly, any person, association or public or private corporation or to any private enterprise for construction of railroad; but this not to be construed to prohibit provision for care of sick and indigent persons. (N.M. IX 14.)

Municipality not to make appropriations "to or for the use of any society, association or corporation whatever". (N.J. I 20.)

Political subdivisions not to make donation to or in aid of individual association or corporation, except for necessary support of poor. (N.D. XII 185.)

Municipality not to make donations to or in aid of, or pay the debt or liability of, individual, association or corporation, except for necessary support of poor. (S.D. XIII 1.)

Municipal corporations not to make appropriation or donation to private corporation or association; this not to affect obligations undertaken pursuant to law prior adoption constitution. (Tex. XI 3.)

Municipal corporation not to give money to or in aid of individual, association, company or corporation, "except for the necessary support of the poor and infirm". (Wash. VIII 7.)

Political subdivision not to make donations to individual, association or corporation except for necessary support of poor. (Wyo. XVI 6.)

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MUNICIPALITIES (*Cont'd*)
FINANCES (*Cont'd*)
Expenditures, Restrictions Upon (*Cont'd*)
Aid to Private Enterprise (*Cont'd*)
Donations by municipalities to railroad or telegraph lines forbidden. (Wyo. X Railroads 5.)
Legislature not to authorize subdivisions of state to grant public money or thing of value to or in aid of individual, association or corporation by issuing bonds or otherwise. (Ala. IV 94.)
Legislature not to authorize municipal corporations or political subdivisions of state to appropriate money for corporation, association, company, institution or individual, except for purely charitable purposes. This not to prevent support of schools by municipal corporations within their limit. (Ga. VII Sec. VI 1.)
Legislature not to authorize political corporation or subdivision of state to grant public money or thing of value to or in aid of individual, association or corporation. (Tex. III 52.)
Extra Compensation to Officers and Contractors
See also "PUBLIC OFFICERS — COMPENSATION" *and* "PUBLIC CONTRACTS".
Legislature not to authorize municipal authority to grant extra compensation, fee or allowance to public officer, agent or servant after service rendered. (Cal. IV 32; Mo. IV 48; Tex. III 53; Utah VI 30.)
Legislature not to authorize or require nor municipal authority to have authority to grant extra compensation, fee or allowance to public officer, servant or employee or agent after service rendered. This does not apply to allowances by commissioners' court or boards of revenue to county officers for *ex officio* services. (Ala. IV 68.)
Legislature not to authorize any municipal authority to grant extra compensation, fee or allowance to public officer, agent or servant. (La. 47.)
No municipal authority to grant or authorize extra compensation to public officer, agent or employee after service rendered. (Mich. XVI 3.)
Local, special and private legislation authorizing grants by "political subdivision" of state of extra compensation to officer, servant or agent of, forbidden. (Va. IV 63.)
Legislature not to authorize any municipal authority to grant extra allowance to contractor after contract entered into, performed in whole or in part. (Cal. IV 32; Mo. IV 48; Tex. III 53; Utah VI 30.)
Legislature not to authorize or require nor municipal authority to have authority to grant extra compensation to contractor after service rendered or contract made. (Ala. IV 68.)

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MUNICIPALITIES (*Cont'd*)

FINANCES (*Cont'd*)

Expenditures, Restrictions Upon (*Cont'd*)

Extra Compensation to Officers and Contractors (*Cont'd*)

Legislature not to authorize any municipal authority to grant extra compensation to contractor. (La. 47.)

No municipal authority to grant or authorize extra compensation to contractor after service rendered or contract entered into. (Mich. XVI 3.)

Local, special or private legislation authorizing extra grants to contractors from treasury of "political subdivision" forbidden. (Va. IV 63.)

DEBT

Existing Time Adoption Constitution

People or legislature not to pass law validating debts of municipalities under territory if invalid at time state admitted. This irrevocable without consent of United States. (Ariz. XX Sixth.)

Debts of municipalities under territory to remain valid and unaffected until paid or refunded according to law. Provision respecting state's assumption of debts of territory and debts of counties not to be construed as validating any bonds, warrants, obligations of or claims against any municipality which were invalid at time of admission and legislature not to pass any law validating such invalid debts or claims. This irrepealable without consent of United States. (N.M. XXII 12; XXI 3.)

Obligation of debts contracted by "bodies corporate" not affected by the constitution. (N.Y. I 17.)

Nothing in constitution to legalize invalid debts of municipalities or impair any defense against payment thereof; such debts to be paid either by tax levy or by bond issue under provisions of law extended in force in state. (Okla. Sched. 37, 25.)

Debts of subdivisions of state existing at time of adoption of constitution may be bonded in sum not exceeding 4 per cent. of assessed value of taxable property therein. (Wyo. XVI 3.)

General Power to Incur

Legislature to restrict power of municipal corporations to borrow money or contract debts so as to prevent abuse of that power. (S.D. X 1; Wyo. XIII 3.)

Provision to be made by general laws to prevent abuse of power of borrowing money and contracting debts by municipal corporations. (Miss. IV 80.)

Legislature in general law providing for organization to restrict powers of municipal corporations to borrow money and contract debts. (N.D. VI 130.)

Laws may be passed to limit power of municipalities to incur debts for local purposes. (Ohio XVIII 13.)

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

General Power to Incur (*Cont'd*)

No debt to be incurred by municipal corporations "until provision therefor shall have been made by the municipal government". (Ga. VII Sec. X 1.)

Legislature may provide by law for funding of "corporate debts of public corporations". (Mont. XII 8.)

Local and special legislation provided for bonding of precincts or other municipalities forbidden. (Nebr. III 15.)

Purpose

In General

No debt to be incurred by municipal corporation for other than strictly municipal purposes. (Wash. VIII 6.)

No debts to be contracted by municipal corporations except in pursuance of law for public purposes specified by law. (Wyo. XIII 3.)

Laws authorizing borrowing of money by "political subdivision" to specify purpose for which to be used and use limited to that purpose. (Ky. 178; Okla. X 16.)

Except as otherwise provided in the constitution no debt to be contracted by municipal corporations except in pursuance of law for public purpose specified by law. (S.D. X 2.)

Not to issue interest-bearing evidences of indebtedness except bonds authorized by law to pay debt existing time adoption constitution; but incorporated towns of 1,000 or more population and cities of first and second class may issue bonds for specified purposes "and for any and all public buildings, structures or grounds that may be required by said municipality for the proper and economic administration of its government and for any other public improvements of a general nature for the use and benefit of said municipality" when approved on referendum. Such improvements may be within or outside the corporate limits of such municipality. (Ark. XVI 1.)

Municipal corporation may contract debt for school, water, sanitary and illuminating purposes provided town, city or other municipal corporation contracting such debt own "its just proportion of the property thus created and receive from any income arising therefrom, its proportion to the whole amount so invested". (Ida. XII 4.)

"Except city of New Orleans", no bonds to be issued for any purpose other than that stated in proposition submitted to taxpayers nor for a greater amount than therein stated, nor shall such bonds be issued for any purpose other than "for constructing, improving and maintaining public roads and highways, paving and improving streets, roads and alleys, purchasing and constructing systems of waterworks, sewerage, drainage, navigation, lights, public

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Purpose (*Cont'd*)

In General (*Cont'd*)

parks and buildings, together with all necessary equipment and furnishings, bridges and other works of public improvement, the title to which shall rest in the subdivision creating the debt as the case may be". (La. 281 (1).)

Governing authorities of municipal corporations "for the purpose of paving or improving streets or alleys and for all municipal improvements, after making provisions for the payment of all statutory and ordinary charges may fund into bonds". (La. 281 (4).)

Bonds may be issued to supply fund to pay for excess property appropriated or otherwise acquired under excess condemnation provision; but such bonds shall be lien only against property so acquired for the improvement and excess, and shall not be a liability of the municipality. (Ohio XVIII 10.)

To provide for interest and sinking fund charges during construction, until completion and operation for one year of waterworks, subways, underground or street railways and appurtenances built by proceeds of municipality's obligations. (Pa. IX 15.)

Legislature may authorize political subdivision of county or any defined district which may include towns, villages or municipal corporations, to issue bonds or otherwise lend credit in limited amount when approved on referendum for irrigation, drainage or navigation improvements or for construction, maintenance and operation of paved roads and turnpikes. (Tex. III 52.)

Municipalities not to assume or pay any debt contracted directly or indirectly in aid of the Rebellion. (N.C. VII 13.)

Aid to Private or Corporate Enterprise

Legislature not to authorize any subdivision of state to lend credit to or in aid of individual, association or corporation by issuing bonds or otherwise. No political subdivision of state to lend credit to banking association, corporation or company. (Ala. IV 94; XIII 253.)

Municipality or other subdivision of state not to give or lend its credit in aid of individual, association or corporation. (Ariz. IX 7.)

Not to lend credit for any purpose whatever; and no municipality to grant financial aid toward construction of railroads or other private enterprises operated by any private person or corporation. Not to obtain money for or lend credit to corporation, association, institution or individual. (Ark. XVI 1; XII 5.)

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MUNICIPALITIES (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)

Legislature not to authorize giving or lending credit of "political corporation or subdivision of state" in aid of any person, association or corporation or pledge credit thereof for payment of liabilities of any individual, association or corporation. (Cal. IV 31.)

Municipality not to lend credit directly or indirectly in aid of any railroad corporation; but not to affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Municipalities not to lend credit or assume debt of any private corporation, person or company. (Del. VIII 8.)

Legislature not to authorize municipal corporation or other political subdivision of state to lend credit to corporation, company, association, institution or individual, except for purely charitable purposes. This not to prevent support of schools by municipal corporations within their limits; and if municipal corporation offers to state property for capitol building and state accepts, corporation may comply. (Ga. VII Sec. VI 1.)

No "subdivision" to lend or pledge credit or faith in any manner to or in aid of any individual, association or corporation, for any amount or any purpose or become responsible for the debt, contract or liability of any individual, association or corporation in or out of state. No municipal corporation to raise money for or lend credit, by vote of citizens or otherwise, to or in aid of any joint stock company, corporation or association. (Ida. VIII 4; XII 4.)

Loan of credit by municipalities in aid of railroad or private corporation forbidden. (Ill. Amend. 1870—Municipal Subscriptions to Corporations Separately submitted.)

No political corporation of state to assume liabilities of private or other corporation or association. (La. 58.)

Municipal corporations not to lend credit in aid of railroad or other corporation or association. (Miss. VII 183.)

Legislature not to authorize loans of credit by political corporations or subdivisions of state to individual, association or corporation. (Mo. IV 47.)

Municipalities not to lend credit to railroad or other corporation or association or to any "college or institution of learning or other institution whether created for or to be controlled by state or others". Authority previously conferred by legislature or by corporate charters repealed. This does not prevent issue of bonds or other means of payment of subscription to corporate stock authorized by people prior to constitution or of other then existing debt. (Mo. IX 6.)

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Purpose (*Cont'd*)

Aid to Private or Corporate Enterprise (*Cont'd*)

"Subdivision" of state not to give or lend credit in aid of individual, association or corporation. (Mont. XIII 1.)

Municipalities not to give or lend credit in aid of individual, association or corporation. (Mont. XIII 1.)

No "precinct, municipality or other subdivision of the state" to make donations to "railroad or other works of internal improvement" unless proposition therefor first submitted to qualified electors at election by authority of law; such donations of county, with donations of subdivisions thereof, not in aggregate to exceed 10 per cent. of assessed valuation of such county. (Nebr. XII 2.)

Municipal corporations not to lend credit in aid of any joint stock company, corporation or association except railroad corporations, companies or associations. (Nev. VIII 10.)

Except as otherwise provided in constitution, municipality not to lend or pledge its credit directly or indirectly in aid of any person, association or corporation or of any private enterprise for construction of railroad; this not to be construed to prohibit care of sick and indigent persons; and not to prevent issue of bonds to pay or refund valid bonds of municipality. (N.M. IX 14, 15.)

"Political subdivisions" not to give or lend credit to or in aid of any individual, association or corporation, except for necessary support of poor. (N.D. XII 185.)

Municipal corporations not to raise money for or lend credit to or in aid of any company, corporation or association, by vote of citizens or otherwise. (Ore. XI 9.)

Municipality not to lend or give credit to or in aid of, or become responsible for debt or liability of, individual, association or corporation, except for necessary support of poor. (S.D. XIII 1.)

Municipal corporation not to lend credit to any private corporation or association; this not to affect obligations undertaken pursuant to law prior adoption constitution. (Tex. XI 3.)

Legislature not to authorize political corporation or subdivision of state to lend credit to any individual, association or corporation, but special authorization to join with county or other political subdivision or district in lending credit or incurring debt for or in aid of irrigation, drainage or navigation improvements or construction and maintenance of roads; provided total debt of city or town not thereby to exceed limit imposed by other sections constitution. (Tex. III 52.)

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Purpose (*Cont'd*)

Aid to Private or Corporate Enterprise (Cont'd)

Legislature not to authorize "political subdivisions" to lend credit in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Municipal corporations not to lend money or credit to or in aid of individual, association, company or corporation "except for the necessary support of the poor and infirm". (Wash. VIII 7.)

Political subdivision not to give or lend credit to individual, association or corporation except for necessary support of poor. Municipalities not to give or lend credit in aid of railroad or telegraph lines; but this does not affect obligations contracted prior to adoption constitution. (Wyo. XVI 6.)

Aid to Other Municipalities

Legislature not to authorize political corporation or subdivision of state to give or lend credit in aid of any municipal corporation or to pledge credit thereof for payment of liabilities of any municipal corporation. (Cal. IV 31.)

No political corporation of state to assume liabilities of political, municipal or parochial corporation. (La. 58.)

Except as otherwise provided in constitution municipality not to lend or pledge credit, directly or indirectly, to or in aid of any public corporation; but this not to prohibit municipality making provision for care of sick and indigent persons; and not to prevent issue of bonds to pay or refund valid bonds of municipality. (N.M. IX 14, 15.)

Application of Proceeds

No money raised for a specified purpose to be used for any other purpose. (Ark. XVI 1.)

Money borrowed by "political subdivision" to be used solely for purpose specified in law authorizing loan. (Ky. 178; Okla. X 16.)

Moneys borrowed by municipalities or "legal subdivisions of state" to be used only for purpose specified in law authorizing loan. (Utah XIV 5.)

Moneys borrowed by municipalities or other "subdivision of state" to be used only for purposes specified in law authorizing loan. (Mont. XIII 3.)

Limited in case of municipal corporations to purpose for which obtained or to repayment of the debt or liability created therefor. (Mo. X 20.)

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Application of Proceeds (*Cont'd*)

Money borrowed by municipalities to be applied to purpose for which obtained or to repay such loan and to no other purpose. (N.M. IX 9.)

Money raised by loan or assessment by municipal corporations for any purpose not to be diverted to any other purpose except by authority of law. (N.D. VI 130; S.D. X 2.)

Referendum on Proposition to Incur

Private, local or special legislation authorizing issuance of bonds or other securities by political subdivisions of counties forbidden unless authorized before enactment such law by vote qualified electors thereof at election held for purpose in manner prescribed by law; but legislature may without such election pass special laws to refund bonds issued before ratification constitution. (Ala. IV 104.)

Legislature may pass general laws authorizing districts or other political subdivisions of counties to issue bonds; but none to be issued under such general laws unless first authorized by majority vote by ballot of qualified voters thereof voting on proposition. Special provision for form of ballot. This not to apply to renewal, refunding or reissuing of bonds lawfully issued or authorized by law enacted prior to ratification constitution; and not to apply to obligations incurred or bonds to be issued to pay for street and sidewalk improvements or sanitary or storm-water sewers, the cost of which is assessed in whole or part against property abutting said improvements or drained by such sewers. (Ala. XII 222.)

Municipal corporations not to become indebted for any purpose in any manner to amount exceeding 4 per cent. of taxable property without assent of majority property taxpayers who must also be qualified electors voting at election provided by law to be held for the purpose; value of taxable property to be ascertained by last assessment for state and county purposes previous to incurring debt. (Ariz. IX 8.)

"Questions upon bond issues shall be submitted to the vote of property taxpayers who shall also in all respects be qualified electors * * * of the political subdivision * * * affected by such question". (Ariz. VII 13.)

No debts, except to pay those existing time adoption constitution, to be incurred without consent of majority of qualified electors voting on question at election held for purpose. Detailed provisions as to ordinance authorizing debt and its submission to referendum. (Ark. XVI 1.)

Municipal corporation or political division of state not to incur new debt except for temporary loan to supply casual deficiencies of revenue, which shall not exceed one-fifth of 1 per cent. of assessed value of taxable property therein, without

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

assent of two-thirds qualified voters at election for purpose held as prescribed by law. (Ga. VII Sec. VII 1.)

Municipal or political corporation despite the constitutional limitation on amount of their debts may in time of war, foreign invasion or other great public calamity, incur debts necessary for public protection and defense "on petition of majority of the property owners in number and value within the limits of such corporation" to amount requested in such petition. (Ind. XIII 1.)

No municipality to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue for that year without consent of two-thirds voters voting at election held for the purpose. Indebtedness contracted in violation of this provision to be void and not to be assumed by municipality or enforceable against persons contracting. (Ky. 157.)

"Except city of New Orleans" no bonds to be issued by municipal corporations unless authorized by vote of majority "in number and amount of the property taxpayers" qualified to vote and who vote at election held for purpose after due notice by newspaper publication as specified. Similar and detailed provisions for renewal and refunding bonds. (La. 281 (1), (6).)

On questions submitted to taxpayers "as such" of municipal or other political subdivisions of state, women taxpayers shall have the right to vote "without registration in person or by their agents authorized in writing". All other persons voting at such election to be registered voters and all taxpayers to vote must have qualifications respecting age and residence prescribed by constitution. (La. 199.)

On questions submitted to electors involving "the issue of bonds", women having qualifications of male electors and who have "property assessed for taxes in any part of the district or territory to be affected by the result of such election" to be entitled to vote. (Mich. III 4.)

No political corporation or subdivision of state to be allowed to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue provided in such year without assent two-thirds voters thereof, voting at election held for purpose. (Mo. X 12.)

No debt to be contracted nor faith or credit pledged by municipal corporation unless "by a vote" of majority of qualified voters. (N.C. VII 7.)

No political corporation or subdivision of state to be allowed to become indebted in any manner for any purpose to amount ex-

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

exceeding in any year income and revenue provided in such year without assent three-fifths voters thereof voting at election held for purpose. (Okla. X 26.)

No municipality or district to incur any new debt or increase its indebtedness to an amount exceeding 2 per cent. of assessed valuation of taxable property therein without assent of electors thereof voting at public election in manner provided by law. (Pa. IX 8.)

No debt to be incurred for water supply, street railways or lighting plants, unless authorized by vote of majority electors. No municipal corporation or subdivision of state to be included in any other "district or subdivision" incurring such debt without majority vote of its electors in favor thereof. (S.D. XIII 4.)

No debt to be contracted by municipal corporation under provision limiting the amount of debt unless all questions connected therewith shall have been approved by three-fifths of votes cast for and against on submission to people. (W.Va. X 8.)

No municipal corporation to become indebted for any purpose in any manner to amount exceeding 1½ per cent. of taxable property in county without assent of three-fifths voters voting at election held for that purpose. (Wash. VIII 6.)

Limit of Amount

Municipal corporation having less than 6,000 population except as otherwise provided in constitution, not to become indebted in amount "including present indebtedness" exceeding 5 per cent. assessed value of property therein except for construction or purchase of waterworks, gas or electric lighting plants or sewerage, or for improvement of streets for which purposes additional debt not exceeding 3 per cent. may be created. Limitation not to affect debt authorized time adoption constitution, nor temporary loans to be paid within one year made in anticipation of collection of taxes, not exceeding one-quarter of annual revenues of such municipal corporation; and not to prevent funding or refunding of "existing indebtedness". (Ala. XII 225.)

Not to exceed in aggregate 7 per cent. of assessed value of real and personal property therein according to last general assessment. Debt may be incurred for waterworks or lighting plants when approved on referendum in excess of this limitation: and such debt not to be included in computation of existing debt in order to determine power to become further indebted, provided a mortgage or other lien on such works or plant and its franchise be given as additional security for such debts. (Ark. XVI 1.)

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

Municipal or political corporations not to become indebted in any manner or for any purpose to an amount in the aggregate exceeding 2 per cent. of taxable property ascertained by last assessment for state and county taxes previous to incurring debt; and all bonds or obligations in excess of this limit to be void, except that in time of war, foreign invasion or other great public calamity, "on petition of majority of the property owners in number and value within the limits of such corporation, the public authorities in their discretion may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition". (Ind. XIII 1.)

Municipal or political corporations not to be allowed to become indebted in any manner or for any purpose to amount in aggregate exceeding 5 per cent. on value of taxable property therein, ascertained from last state and county tax lists previous to incurring debt. (Iowa XI 3.)

No subdivision of state to incur any debt or liability in any manner for any purpose "exceeding in that year" income and revenue provided for it for such year without assent two-thirds qualified electors thereof voting at election held for purpose. Any debt or liability incurred contrary to this provision to be void, but this not to be construed "to apply to the ordinary and necessary expenses authorized by the general laws of the state". (Ida. VIII 3.)

Municipal corporations not to be allowed to become indebted in in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 5 per cent. value of taxable property therein, ascertained by last assessment for state and county taxes previous to incurring debt; but this not to prevent issuing bonds in compliance with vote of people had prior to adoption constitution in pursuance of law. (Ill. XI 12.)

Except as otherwise provided in constitution, debt of municipal corporation or political division of state not to exceed 7 per cent. assessed value taxable property therein; city whose debt at time adoption constitution does not exceed 7 per cent. assessed value may be authorized by law to increase at any time amount of said debt "3 per centum upon such assessed valuation". (Ga. VII Sec. VII 1.)

No municipality to be authorized or permitted to incur debt to amount including existing debt in aggregate exceeding 2 per cent of value of taxable property therein, ascertained by assessment next before last assessment previous to incurring debt. Debts in excess of this limit may be contracted when authorized by laws in force prior to adoption of constitution

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

or when necessary for completion and payment for public improvement undertaken and not completed and paid for at time of adoption; any municipality whose debt exceeds limit at time adoption constitution not to increase debt more than 1 per cent. in aggregate of value of taxable property therein until debt reduced within limit and thereafter not to exceed limit "unless in case of emergency, the public health or safety should so require". Renewal bonds or bonds to fund floating debt not prevented by this limitation. (Ky. 158.)

"Except city of New Orleans", total bonds of municipal corporations for all purposes never to exceed 10 per cent. of assessed valuation "of the property" therein. (La. 281 (1).)

No political corporation or subdivision of state to be allowed to incur debt to amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein, ascertained by assessment next before last assessment for state and county purposes previous to incurring debt. (Mo. X 12.)

Corporate authority of any political subdivision of state having more than 200,000 inhabitants which has exceeded its constitutional limit of debt not to incur further bonded debt except for renewal of other bonds "until such excess of indebtedness ceases". But such corporate authorities "may, in anticipation of the customary annual revenue thereof, appropriate during any fiscal year towards the general governmental expenses thereof a sum not exceeding seven-eighths of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such municipal subdivision) that was actually raised by taxes alone during the preceding years". (Mo. IX 19.)

Legislature not to authorize municipal corporation to issue bonds or incur indebtedness in any manner "to aid in the construction or equipment of any or all railroads" to an amount exceeding 5 per cent. of value of taxable property; such value to be ascertained by last assessment for state and county taxes previous to incurring debt. (Minn. IX 15.)

Debts of political subdivisions of state never to exceed 5 per cent. of assessed value of taxable property therein and bonds or obligations in excess of this limit to be void. Entire amount of existing debt, whether contracted prior or subsequent to adoption of constitution, to be included in computing existing debt for purpose of determining power to become further indebted. (N.D. XII 183.)

Municipality may issue mortgage bonds beyond its general debt limit to acquire, construct or extend a public utility, provided that such bonds shall not impose any liability upon municipality, but shall be secured only upon property and revenue of

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MUNICIPALITIES (*Cont'd*)
DEBT (*Cont'd*)
Limit of Amount (*Cont'd*)
public utility, including a franchise stating terms upon which, in case of foreclosure, the purchaser may operate same, which franchise shall in no case extend for more than 20 years from sale on foreclosure. (Ohio XVIII 12.)
Bonds issued by municipalities to pay for excess land condemned for public improvement to be lien on such excess, and not to be "included in any limitation of the bonded indebtedness of such municipality prescribed by law". (Ohio XVIII 10.)
No political corporation or subdivision of state to be allowed to incur debt in excess of income and revenue to amount including existing debt in aggregate exceeding 5 per cent. valuation taxable property therein to be ascertained from last assessment for state and county purposes previous to incurring debt. Limitation on amount of debt which a "municipality" may incur not to "apply" to debt created or bonds issued to pay debts existing under territory. (Okla. X 26; Sched. 25.)
Except as provided in constitution, debt of municipality or incorporated district never to exceed 7 per cent. on assessed value of taxable property therein. (Pa. IX 8.)
Any municipality other than Philadelphia may incur debt in excess of the constitutional limit of 7 per cent. but not exceeding 10 per cent. of the assessed valuation of taxable property therein if such increase assented to by three-fifths of electors voting at public election in manner provided by law. (Pa. IX 15.)
In computing existing debt in order to determine right to become further indebted, obligations issued prior to adoption constitutional provision or thereafter issued by any municipality other than Philadelphia, to provide for construction or acquisition of waterworks, subways, underground railways or street railways or appurtenances thereof not to be considered as "a debt within meaning of constitutional limitation on amount" if net revenue derived from said property for period of five years either before or after acquisition thereof, or where constructed by county, for period of five years after completion thereof shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if said obligations be secured by lien upon the respective properties and shall impose no municipal liability. (Pa. IX 15.)
Debt of municipal corporation or political division or subdivision of state not to exceed 8 per cent. assessed value taxable property therein and not to be authorized to increase bonded debt if existing bonded debt amounts to 8 per cent. of taxable property as ascertained by valuation for state taxes. When

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

several political divisions or municipal corporations cover same territory each of such divisions or corporations to "so exercise its power to increase its debt" that aggregate debt upon any territory of state shall never exceed 15 per cent. of taxable property in such territory as valued for state taxes. This not to prevent issue of bonds to refund valid municipal debt contracted in excess of the 8 per cent. limit prior adoption of constitution. (S.C. X 5.)

Eight per cent. limit not to apply to bonded debt incurred by any municipal corporation to be used exclusively for purchase, establishment and maintenance of waterworks, sewerage system or lighting plant, when proposition submitted to freeholders and qualified voters as provided by constitution for other bonded debt. (S.C. VIII 7.)

Debt of subdivisions of state not to exceed 5 per cent. of assessed valuation of taxable property therein for year preceding that in which indebtedness to be incurred. "In estimating amount of the indebtedness which a municipal subdivision may incur, the amount of indebtedness contracted prior to the adoption of the constitution shall be included". (S.D. XIII 4.)

In addition to the limit of 5 per cent. of its assessed valuation, municipal corporation or other subdivision of state may incur additional debt not exceeding 10 per cent. of assessed valuation for preceding year "for the purpose of providing water and sewerage for irrigation, domestic uses, sewerage and other purposes"; and cities of 8,000 or more may incur debt not exceeding 8 per cent. for construction of street railways, electric lights or other lighting plants. (S.D. XIII 4.)

Political subdivision of state or county or any defined district which may include towns, villages or municipal corporations may issue bonds or otherwise lend credit in amount not exceeding one-quarter of assessed valuation of real property of such district when approved on referendum for irrigation, drainage or navigation improvements or in aid thereof, or the construction, maintenance and operation of paved roads and turnpikes or in aid thereof. This authorization to be in addition to all other debts except that total bonded debt of any city or town not to exceed limit imposed by other provisions of constitution. (Tex. III 52.)

No municipal corporation to become indebted "to an amount including existing indebtedness exceeding 4 per centum of the value of the taxable property therein". Limit to be ascertained by last assessment for state and county purposes previous to incurring debt, except that in incorporated cities last assessment for city purposes to be taken. (Utah XIV 4.)

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

No municipal corporation to be allowed to become indebted in any manner or for any purpose to an amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein to be ascertained by last assessment for state and county taxes previous to incurring debt. Bonds already authorized to be issued (at time of adoption of constitution) excepted from operation of limit. (W.Va. X 8.)

No municipal corporation to become indebted for any purpose in any manner to amount exceeding 1½ per cent. of taxable property therein without referendum; and with such assent total indebtedness at any time not to exceed 5 per cent. on value of taxable property. Value of taxable property to be ascertained from last assessment for state and county purposes previous to incurring debt. (Wash. VIII 6.)

No municipal corporation to be "allowed to become indebted in in any manner or for any purpose to any amount including existing indebtedness in the aggregate exceeding 5 per cent. on the value of the taxable property therein". Value of taxable property to be ascertained by last assessment for state and county taxes previous to incurring debt. (Wis. XI 3.)

Debt of subdivision of state existing prior to constitution may be bonded in sum not exceeding 4 per cent. on assessed value taxable property therein as shown by last general assessment. (Wyo. XVI 3.)

Bonds

For exemption of from taxation, See TAXATION — EXEMPTIONS.

Any municipality or other public corporation issuing bonds under laws of state may make such bonds and interest thereon payable at any place or places within or outside of United States in any money, domestic or foreign, designated in said bonds. (Cal. XI 13½.)

"Except city of New Orleans", bonds not to run for longer period than 40 years from their date and not to bear interest at a greater rate than 5 per cent. per annum and not to be sold for less than par. Similar provision for renewal or refunding bonds. (La. 281 (1), (6).)

No bond or evidence of debt of political subdivision of state to be valid unless endorsed with certificate of "other political subdivision" auditor or other officer authorized by law that it is issued pursuant to law and within debt limit. (Wyo. XVI 8.)

Obligation of

Nothing contained in constitution to impair obligation of debts contracted by "bodies corporate". (N.Y. I 17.)

Liability for Payment of

Private property not to be taken or sold for payment of corporate debt of municipal corporation or political subdivision of state. (Cal. XI 15.)

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Liability for Payment of (*Cont'd*)

Private property not to be taken or sold for payment of corporate debt of municipal corporation. (Colo. X 14; Ill. IX 10; Mo. X 13; Nebr. IX 7.)

Private property not to be taken or sold for payment of debts of public or municipal corporations, except in mode provided by law for levying and collection of taxes. (Wash. XI 13.)

Private property not to be taken or sold for "corporate debts of public corporations"; legislature to provide by law for payment of such debts, "including all funded debts and obligations" by taxation of private property not exempt within territory over which such corporation has authority. (Mont. XII 8.)

Bonds issued for excess land condemned in connection with public improvements to be lien only against property so acquired and not to be a liability of municipality. (Ohio XVIII 10.)

Redemption and Interest

Provision to be made at time of incurring debt for collection of annual tax not exceeding 7 mills on the dollar to pay interest and discharge principal within 35 years from time of issuing bonds. Bonds to be "serial" and shall be paid off as rapidly as the income derived from said tax will permit". Detailed provisions as to interest. (Ark. XVI 1.)

Municipalities or other public corporations issuing bonds under laws of state may make such bonds and interest thereon payable at any place or places within or outside of United States and in any money, domestic or foreign, designated in such bonds. (Cal. XI 13½.)

Provision to be made by municipal corporation or political division of state at time of incurring any debt under provisions of constitution for assessment and collection of annual tax sufficient to pay principal and interest within 30 years from date of incurring debt. (Ga. VII Sec. VII 2.)

No subdivision of state to incur any debt or liability unless at same time provision be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 20 years from time of contracting. (Ida. VIII 3.)

Legislature to require that taxable property within limits of municipal corporations shall be taxed for payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within jurisdiction of body imposing. (Ill. IX 10.)

Municipal corporations to provide at or before time of incurring indebtedness for collection direct annual tax sufficient to pay interest and discharge principal within 20 years from time of contracting. (Ill. XI 12.)

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Redemption and Interest (*Cont'd*)

Municipalities when authorized to create debt shall be at same time required to provide for collection of annual tax sufficient to pay interest and to create sinking fund for payment of principal within not more than 40 years from time of contracting. (Ky. 159.)

Each year while bonds are outstanding "governing authorities" of municipal corporations, "except city of New Orleans", to impose and collect in excess of other taxes a tax sufficient to pay interest annually and semi-annually or principal falling due each year, or such amount as may be required for any sinking fund necessary to retire said bonds at maturity, but such special tax not to exceed in any year 10 mills on dollar of assessed valuation of property therein. Similar and detailed provisions for refunding and renewal bonds. Any person in interest may, by summary proceedings in district court, enforce imposition and collection of such taxes; such proceeding to be tried without cost "to the litigant". (La. 281 (1), (5), (6).)

Political corporation or subdivision before incurring debt requiring assent of voters, to make provision for collection of annual tax sufficient to pay interest as due and to constitute sinking fund for discharge of principal within 20 years from time of contracting. (Mo. X 12.)

Political subdivisions to make provision, at or before incurring of debt, for collection of annual tax sufficient to pay interest and principal when due. Law or ordinance making such provision to be irrepealable until debt paid. (N.D. XII 184.)

No bonded debt to be created or renewed by any political subdivision unless law authorizing provides for levying annual tax sufficient to pay interest thereon and to provide sinking fund for their redemption at maturity. (Ohio XII 11.)

Political corporation or subdivision before or at time of incurring debt in excess of income and revenue to make provision for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 25 years from date of contracting. (Okla. X 26.)

Municipalities at or before incurring debt to make provision for collection of annual tax sufficient to pay interest and discharge principal within 30 years. In municipalities other than Philadelphia such tax need not be levied during construction or for one year thereafter on obligations issued for construction or acquisition of waterworks, subways, underground railways or street railways or appurtenances. (Pa. IX 10, 15.)

At or before time of incurring debt by "subdivisions" provision to be made for collection of annual tax sufficient to pay

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MUNICIPALITIES (*Cont'd*)

DEBT (*Cont'd*)

Redemption and Interest (*Cont'd*)

interest and principal when due; and all ordinances containing such provision to be irrepealable until debt paid. (S.D. XIII 5.)

Political subdivision of state or of county or other defined district, which may include towns, villages or municipal corporations, incurring debt or lending credit for purposes specified, to levy and collect taxes and pay interest to provide sinking fund for redemption thereof. (Tex. III 52.)

Municipal corporations not to be allowed to become indebted without at same time providing for collection of direct annual tax sufficient to pay annual interest on such debt and principal thereof within not exceeding 34 years. (W.Va. X 8.)

Municipal corporations before or at time of incurring debt to make provision required to be made "for collection of direct annual tax sufficient to pay interest on such debt as it falls due and also to pay and discharge the principal thereof within 20 years from the time of contracting the same". (Wis. XI 3.)

PUBLIC UTILITIES

See also above, this title, "POWERS AND RIGHTS — RESTRICTIONS UPON — STOCK AND BOND HOLDING" *and* "FINANCES — EXPENDITURES, RESTRICTIONS UPON — AID TO PRIVATE ENTERPRISE".

Franchises

No exclusive franchise shall ever be granted by municipal corporations. (Ariz. XIII 6; Okla. XVIII 7.)

Exclusive rights, franchises, privileges and immunities not to be granted by municipal corporations. (N.M. IV 26.)

"No grant, extension or renewal of any franchise or other use of the streets, alleys or other public grounds or ways of any municipality shall divest the state or any of its subdivisions of its or their control and regulation of such use and enjoyment". (Ariz. XIII 6; Okla. XVIII 7.)

Grant, extension or renewal of franchise by municipality forbidden without approval of majority of qualified electors residing within corporate limits who shall vote thereon at general or special election; local legislative body may submit question to municipal election or call special election on 30 days' notice. (Ariz. XIII 4; Okla. XVIII 5a.)

Qualified electors in number equal to 25 per cent. of votes at last preceding municipal election may file petition with chief executive officer demanding grant, extension or renewal of franchise; such officer shall call special election and submit question, and if majority of electors voting thereon approve such grant, it shall be granted by proper authorities at next succeeding regular meeting of legislative body of city. (Okla. XVIII 5b.)

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MUNICIPALITIES (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Franchises (*Cont'd*)

Franchises not to be granted, extended or renewed by municipal corporations for longer time than 25 years. (Ariz. XIII 4; Okla. XVIII 5a.)

Franchises or licenses not to be granted by any municipality of state for longer period than 30 years. (Mich. VIII 29.)

Municipalities not to be permitted to grant franchise or privilege or make any contract in reference thereto for more than 20 years. Advertisement to be made, bids received, and award made to highest and best bidder, but all bids may be rejected. Not to apply to trunk railway. (Ky. 164.)

No street railroad may be constructed or operated without consent of owners of one-half in value of property bounded and of local authorities controlling street or highway or, if such consent not obtainable, consent of three commissioners appointed by Appellate Division in lieu of consent of property owners. (N.Y. III 18.)

Legislature cannot grant right to construct and operate street or other railway, telegraph, telephone or electric plant or to erect water or gas plant for public uses or to lay mains for any purpose without consent of local authorities controlling street or public place to be occupied. (S.C. VIII 4.)

No street passenger railway, telegraph, telephone or electric-light line to be constructed within limits of any municipal organization without consent of legal authorities. (Wyo. XIII 4.)

Regulation

Supervision of public service corporations by political subdivisions of state may be authorized by law as to companies doing business therein including regulation of rates and charges. Proviso to sections specifying powers of corporation commission. (Ariz. XV 3.)

Persons or corporations may establish and operate works for supplying inhabitants with light, water, power, heat, transportation, telephone service or other means of communication, on conditions and under regulations prescribed by municipality "under its organic law on condition that the municipal government shall have the right to regulate the charges therefor". (Cal. XI 19.)

Power of municipality to regulate charges for public services not to be surrendered. (Okla. XVIII 7.)

Ownership and Operation

For provisions authorizing debts for this purpose in excess of constitutional limit, See above, this title, DEBT — LIMIT OF AMOUNT.

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MUNICIPALITIES (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Ownership and Operation (*Cont'd*)

Municipal corporations may engage in any business or enterprise which may be engaged in by person, firm or corporation by virtue of a franchise from said corporation. (Ariz. XIII 5; Okla. XVIII 6.)

Municipalities authorized to establish and operate public works for supplying inhabitants with light, water, power, heat, transportation, telephone service or other means of communication, may acquire such works by construction or by purchase of those existing including franchises; may also furnish such services to inhabitants outside its boundaries but not to inhabitants of any other municipality which owns or operates works supplying the same service to its inhabitants, without consent of such municipality expressed by ordinance. (Cal. XI 19.)

Municipality may acquire, construct, own, lease and operate, within and without its corporate limits, any public utility, the product or service of which is to be supplied to the municipality or its inhabitants and may contract with others for any such product or service. Municipality may acquire public utility by condemnation or otherwise and may thereby acquire the use of or full title to property and franchise of any company or person supplying its service or product to the municipality or its inhabitants. Municipality proceeding to acquire, construct, own, lease or operate a public utility or to contract with any person or company therefor, shall act by ordinance. No such ordinance shall take effect until 30 days after its passage, or if within that time petition for referendum is filed, until it is submitted to and approved by voters. Municipality owning or operating public utility for its own use or that of its inhabitants may sell and deliver to others any transportation service of such utility and the surplus product of any other utility, in amount not to exceed in either case 50 per cent. of total service or product supplied by such utility within municipality. If, within 30 days after passage of ordinance for acquiring, constructing, owning, leasing or operating a public utility or contracting with any person therefor, petition signed by 10 per cent. of electors (based upon total vote cast at last preceding general municipal election) be filed with executive authority demanding referendum on ordinance, it shall not take effect until submitted to electors in same manner as provided in XVIII 8, for submission of question of choosing charter commission and approved by majority of those voting thereon. Election shall be conducted by election authorities prescribed by general law. (Ohio XVIII 4, 5, 6, 14.)

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MUNICIPALITIES (*Cont'd*)

WATER SUPPLY

For provisions authorizing debts for in excess of constitutional limit on amount, See above, this title, DEBT — LIMIT OF AMOUNT.

Legislature may by general laws provide for use of not more than 3 per cent. of forest preserves for construction and maintenance of state-owned reservoirs for water supply for municipalities. Cost of reservoirs to be assessed on municipalities benefited to extent of benefit, and provision to be made for charge for use of reservoirs against municipalities benefited. Charge to be based on reasonable return on value of state property and rights used and services rendered and to be fixed for term of 10 years and then to be readjustable. (N.Y. VII 7.)

Municipal corporations not to "directly or indirectly lease, sell, alienate or dispose of any waterworks, water rights or sources of water supply now or hereafter to be owned or controlled by it"; which shall be "maintained, preserved and operated by it for supplying its inhabitants with water at reasonable charges". But this does not prevent exchanging water rights or sources for others of equal value to be devoted to public supply of the inhabitants. (Utah XI 6.)

Municipal corporations to have same right as individuals to acquire rights by prior appropriation and otherwise to use of water for domestic and municipal purposes, legislature to provide by law for exercise by incorporated cities, towns and villages of right of eminent domain to acquire from prior appropriators upon payment of just compensation, such water as may be necessary for well being thereof and for domestic uses. (Wyo. XIII 5.)

NAMES

Of persons, not be changed by local, private or special law. (Ala. IV 104; Ariz. IV 19; Ark. V 24; Cal. IV 25; Fla. III 20; Ida. III 19; Ill. IV 22; Ind. IV 22; Iowa III 30; Ky. 59; La. 48; Md. III 33; Minn. IV 33; Miss. IV 90; Mo. IV 53; Mont. V 26; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; Okla. V 46; Ore. IV 23; Pa. III 7; S.C. III 34; S.D. III 23; Tex. III 56; Utah VI 26; Wash. II 28; Wis. IV 31; Wyo. III 27.)

Of persons, not to be changed by private law, but general laws may regulate. (N.C. II 11.)

Of persons, not to be changed by legislature, but power to be conferred on courts by general laws. (Tenn. XI 6.)

Of persons, legislature to confer on courts power to change and shall not, by special legislation, grant relief. (Va. IV 63.)

Of associations, not to be changed by local, private or special law. (Ala. IV 104; Va. IV 63.)

Of corporations, *See* CORPORATIONS.

Of places, not to be changed by local, private or special law. (Ariz. IV 19; Cal. IV 25; Ida. III 19; Ill. IV 22; Minn. IV 33; Miss. IV

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NAMES (*Cont'd*)

90; Mo. IV 53; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.C. III 34; S.D. III 23; Tex. III 56; Utah VI 26; Wyo. III 27.)

Of lakes or rivers, not to be changed by local or special law. (Minn. IV 33.)

NAVIGATION COMPANIES

See also STEAMSHIP COMPANIES.

Corporate powers and privileges issued and granted by secretary of state, as prescribed by law, or by other person named by law if he is disqualified. (Ga. III Sec. VII 18.)

NEGROES, *See* COLORED PERSONS.

NOBILITY, TITLES OF, *See* HEREDITARY DISTINCTIONS.

NOTARIES PUBLIC

BONDS

Must be qualified to execute bonds required of them in that capacity. (Va. II 32.)

DUTIES

As prescribed by law. (Md. IV 45; Tex. IV 26.)

In connection with other courts shall be *ex-officio* justices of peace. (Ga. VI Sec. VIII 1.)

Governor may, except where otherwise provided by act of legislature, appoint not more than one who shall have power and jurisdiction of justice of peace for each precinct in which election of justice of peace is authorized. Governor may also appoint notaries public without powers of justice of peace. (Ala. VI 168.)

HOW SELECTED

Appointed by governor by and with advice and consent of senate. (Minn. V 4.)

Appointed by governor except where otherwise provided by act of legislature. (Ala. VI 168.)

Appointed by governor in same manner as judicial officers. (Mass. Amend. IV.)

Appointed by governor with advice and consent of two-thirds of senate. (Tex. IV 26.)

Appointed by judges of general trial court for the respective districts (circuits) upon recommendation of grand jury. (Ga. VI Sec. VIII 1.)

By appointment for each county and the city of Baltimore in manner now or as may be provided by law. (Md. IV 45.)

NUMBER

Convenient number for each county. (Tex. IV 26.)

Not to exceed one for each militia district. (Ga. VI Sec. VIII 1.)

OATH OF OFFICE

Form set forth; affirmation allowed. (Minn. V 8.)

QUALIFICATIONS AND DISQUALIFICATIONS

Age; 18 years. (Va. II 32.)

Sex; females eligible if they possess qualifications prescribed by law. (Okla. Sched. 6.)

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NOTARIES PUBLIC (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Sex; females over 21 years of age, who have resided in state one year, in county and district six months next preceding appointment, eligible. (Nev. XV 3.)

Sex; women, 18 years of age, eligible. (Va. II 32.)

Ineligible for any office in either branch of legislature or membership therein. (N.D. II 37.)

May be elected to fill any executive or judicial office. (Ark. XIX 26.)

Official acts of female notaries public hereby validated in so far as such acts may be affected by ineligibility of such persons to appointment to office. (Okla. Sched. 6.)

REMOVAL

By governor with consent of council. (Mass. Amend. IV.)

Upon conviction for malpractice in office. (Ga. VI Sec. VIII 1.)

TERM OF OFFICE

As provided for by law. (Ala. VI 168.)

Four years. (Ga. VI Sec. VIII 1.)

Seven years. (Mass. Amend. IV.)

Seven years if they so long behave themselves; may be reappointed. (Me. VI 5.)

OATHS

Of officers, *See* PUBLIC OFFICERS; *for oath of office of particular officer or class of officers, See the specific title.*

At elections, *See* ELECTIONS.

Oaths or affirmation not dispensed with by prohibition of religious tests, *See* RELIGION—LIMITATIONS ON RELIGIOUS LIBERTY.

Mode of administering oath or affirmation to be such as most consistent with and most binding upon conscience of person to whom administered. (Ariz. II 7; Ind. I 8; Ore. I 7; Wash. I 6.)

Manner of administering oath or affirmation to be such as is most consistent with conscience of deponent, and esteemed by legislature the most solemn appeal to God. (Ky. 232.)

Manner of administering oath or affirmation to person ought to be such as those of religious persuasion, profession or denomination, of which he is member, generally esteem the most effectual confirmation by attestation of Divine Being. (Md. D.R. 39.)

Political tests requiring persons as prerequisite to enjoyment of political and civil rights to purge themselves of past offenses by oaths are repugnant to principles of free government, and are cruel and oppressive. No religious or political test oath to be required as prerequisite or qualification to serve as juror, sue, plead, appeal or pursue any profession or employment. (W.Va. III 11.)

Retrospective oath and restrictions ought not be imposed or required. (Md. D.R. 17.)

OBSCENITY

Legislature may restrain publication of obscene books, papers or pictures by suitable penalties. (W.Va. III 7.)

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OIL

See also MINES.

Until changed by legislature flash test for kerosene light for illuminating to be 115° F. and specific gravity test to be 40° Baumé. (Okla. XX 2.)

Oil pipe lines, *See* PIPE LINES.

ORPHANS, *See* CHARITIES.

OUTLAWRY, *See* CRIMES — PUNISHMENT.

OYER AND TERMINER, *See* COURTS.

PANAMA PACIFIC INTERNATIONAL EXPOSITION

Detailed provisions for. (Cal. IV 22, XI 8a, 18, XII 3.)

PARDONS, *See* CRIMES.

PARISHES

For provisions in Louisiana relating to, See COUNTIES.

For provisions in New Hampshire relating to, See MUNICIPALITIES.

PAUPERS

See CHARITIES.

See ELECTIONS.

PENAL INSTITUTIONS

In this title are digested only provisions relating particularly to penal institutions; for provisions relating to system of charities and corrections, *See* CHARITIES AND CORRECTIONS; *for provisions relating to state institutions generally and so to penal institutions, See* STATE INSTITUTIONS.

ADMINISTRATIVE AUTHORITY

For provisions relating only to prisons, See below, ***this title,*** PRISONS.

For provisions relating only to reformatories, See below, ***this title,*** REFORMATORIES.

Regents, trustees or commissioners of reformatory and penal institutions to be appointed by governor with consent of senate. (Wash. XIII 1.)

Directors of penal institutions to be appointed or elected as prescribed by law; governor may fill vacancies unless otherwise provided for until next session of legislature and until successor appointed and confirmed; has power of removal. (S.C. XII 4, 8.)

Legislature may provide that boards of trustees of state penal institutions hold office for six years, one-third to be elected or appointed every two years as legislature may determine; vacancies to be filled as may be provided by law. (Tex. XVI 30a.)

Penal and reformatory institutions to be under boards of control as prescribed by law. (Utah XIX 2.)

State board of prison directors to have charge and superintendence of state prisons, and powers and duties as to other penal and reformatory institutions of state as may be prescribed by law. (Cal. X 2.)

BONDS FOR, *See* STATE DEBT — PURPOSE — PUBLIC BUILDINGS.

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PENAL INSTITUTIONS (*Cont'd*)

CONSTRUCTION

Of jails to be provided for by general laws. (Tex. XI 2.)

Legislation to require that construction of penal institutions, county jails and police prisons secure health and comfort of prisoners. (N.C. XI 6.)

Prisons to be safe and comfortable. (Wyo. I 16.)

Proper regard for health of prisoners to be had in construction of jails. (Del. I 11.)

CONVICT LABOR, *See* CONVICT LABOR.

ESTABLISHMENT AND SUPPORT

For provisions relating only to prisons, See below, this title, PRISONS.

For provisions relating only to reformatories, See below, this title, REFORMATORIES.

Penal institutions to be established and supported by state in manner prescribed by law, legislature for sanitary reasons may cause removal to more suitable localities. (Ida. X 1, 7.)

Reformatory and penal institutions to be fostered and supported by state subject to regulations prescribed by law. (Wash. XIII 1.)

Reformatory and penal institutions to be established and supported by state in manner prescribed by law. (Ariz. XXII 15; Colo. VIII 1; Mont. X 1; Okla. XXI 1; Utah XIX 2; Wyo. VII 18.)

EXISTING LAWS

Existing laws relating to all, whether state, county, municipal, incorporated or not, and to inspection and supervision of, remain in force if not inconsistent with constitution, until amended or repealed by legislature. (N.Y. VIII 13.)

GRANTS OF PUBLIC PROPERTY FOR

See PUBLIC PROPERTY — GRANTS.

See PUBLIC PROPERTY — TRUSTS.

GRANTS OF PUBLIC LAND FOR

See PUBLIC LANDS — TRUSTS IN.

See PUBLIC LANDS — SALE — PROVISION FOR.

HOUSE OF REFUGE, *See below, this title,* REFORMATORIES — ESTABLISHMENT AND SUPPORT.

INMATES

Health and comfort of prisoners to be required by law to be secured in construction and superintendence of penal institutions; male and female prisoners never to be confined in same cell. (N.C. XI 6.)

JUVENILE DELINQUENTS

See below, this title, REFORMATORIES — ESTABLISHMENT AND SUPPORT.

See below, this title, PRISONS — INMATES.

See CHILDREN.

LYNCHING OF PRISONERS, *See* LYNCHING.

OFFICERS

For provisions relating only to prisons, See below, this title, PRISONS.

Officers of penal state institutions to report in writing under oath on subject relating to office when required by governor; making false report to be punished as prescribed by law. (Okla. VI 33.)

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PENAL INSTITUTIONS (*Cont'd*)

OFFICERS (*Cont'd*)

Prohibition of use of public money for religious purpose not to forbid employment by state of a chaplain for penitentiary and such state reformatories as to the legislature seem justified. (Wash. I 11.)

PENAL CORPORATIONS

Prohibition of creation or change of charter by special law not to apply to penal corporations which are to be and remain under patronage and control of the state. (Ill. XI 1; Nebr. XIB 1.)

Prohibition of special legislation for creation of corporation or amendment of charters not to apply to corporations for penal purposes, sustained in whole or in part by the state. (Del. IX 1.)

REFORMATORIES

For provisions relating to penal institutions in general and so to reformatories, See throughout this title.

Administrative Authority

Until otherwise provided by law, governor, attorney-general and superintendent of public instruction to constitute board of reform school commissioners to have supervision of state reform schools as provided by law. (Utah VII 15.)

To be controlled and managed by board of five members to hold office for four years, to be appointed by governor with consent of senate, not over three to belong to same political party at time of appointment; title, powers and duties provided by law. (N.M. XIV 3.)

Establishment and Support

Reform school to be public institution of state. (N.M. XIV 1; N.D. XIX 215; S.D. XIV 1.)

Legislature may provide by law for establishment of schools for safe-keeping, education, employment and reformation of children under 16 who are growing up in mendicancy or crime. (Nebr. VIII 12.)

Legislature may establish reformatory school or schools and provide for keeping juvenile offenders from association with hardened criminals. (Miss. X 225.)

Legislature may provide for establishment and maintenance of reformatory for juvenile offenders separate and apart from hardened criminals. (S.C. XII 7.)

For persons under 18 years convicted of such felonies and misdemeanors as may be designated by law, legislature to provide house of reform. (Ky. 252.)

Legislature to provide house of refuge for correction and reformation of juvenile offenders. (Ind. IX 2.)

Provisions may be made by law for establishment and maintenance of a house of refuge for juvenile offenders. (Fla. XIII 2.)

House of refuge may be established wherever public interests require for correction and instruction of offenders other than vagrants and persons guilty of misdemeanors. (N.C. XI 5.)

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PENAL INSTITUTIONS (*Cont'd*)

REFORMATORIES (*Cont'd*)

Establishment and Support (*Cont'd*)

For juvenile offenders, provisions may be made by law for establishment and maintenance of house of refuge. (Nev. XIII 2.)

Legislature may establish asylum for cure of drunkenness and reform of inebriates. (Tex. XVI 42.)

Reformatory Institutions Not Under State Control

Police jury may contract with any association or institution for care and safe-keeping of children in care of juvenile court, and court may place such children in custody of person, association or institution. (La. 118.)

Legislature may appropriate public money or property to non-sectarian institutions for reform of youthful criminals. (Va. IV 67.)

REFORMATORY CORPORATIONS

Prohibition of special legislation for creation of corporation or amendment of charter not to apply to reformatory corporations sustained in whole or in part by the state. (Del. IX 1.)

Prohibition of creation or change of charter by special law not to apply to reformatory corporations which are to be and remain under patronage and control of the state. (Ill. XI 1; Nebr. XIB 1.)

PRISONS

For provisions relating to penal institutions in general and so to prisons, See throughout this title.

Administrative Authority

Board of state prison commissioners composed of governor, secretary of state, attorney-general. (Ida. IV 18, X 5; Mont. VII 20; Nev. V 21; Utah VII 13.)

Directors of penitentiary to be appointed or elected as legislature may direct; vacancies filled by governor till next session of legislature and until successor qualified. (Kan. VII 2, 3; Ohio VII 2, 3; S.C. XII 5, 8.)

Commission of prisons to be provided by legislature, appointed by governor with advice and consent of senate; removed by governor for cause with opportunity to be heard in defense; legislature may grant powers in addition to those granted in constitution not inconsistent with other provisions of constitution; commissioners now in office to continue for term for which appointed unless legislature provide otherwise. (N.Y. VIII 12, 15.)

Board of prison commissioners composed of three members appointed by governor with consent of senate; term of office six years and until successors qualified; governor to fill vacancy for unexpired term. (Tex. XVI 58.)

Board of five directors appointed by governor with confirmation of senate for term of five years. (Va. XI 148.)

Title, powers and duties of board of control of penitentiary prescribed by law; five members appointed by governor with

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PENAL INSTITUTIONS (*Cont'd*)

PRISONS (*Cont'd*)

Administrative Authority (*Cont'd*)

consent of senate for a term of four years, not more than three to belong to same political party at time of appointment. (N.M. XIV 1, 3.)

State board of prison directors of five members appointed by governor with advice and consent of senate, term of office 10 years; removed by governor for misconduct, incompetency or neglect of duty, after hearing on written charges; no compensation other than reasonable traveling and other expenses, audited as legislature may direct. (Cal. X 1, 4.)

Administration and Control

State board of prison directors to have charge and superintendence of state prison, appointment of wardens and clerks and "determination" of other necessary officers; removal of wardens and clerks for misconduct, incompetency or neglect of duty; powers and duties of board, wardens and clerks to be regulated by law. (Cal. X 3, 5.)

State board of prison directors to have charge and superintendence of state prisons, and powers and duties as to other penal and reformatory institutions of state as may be prescribed by law. Appointment of wardens and clerks and "determination" of other necessary officers. Removal of wardens and clerks for misconduct, incompetency or neglect of duty. Powers and duties to be regulated by law. (Cal. X 2, 3, 5.)

Board of prison commissioners charged by law with control and management of state prisons. (Tex. XVI 58.)

Board of state prison commissioners to have such supervision as may be prescribed by law. (Ida. IV 18, X 5; Mont. VII 20; Nev. V 21; Utah VII 13.)

Penitentiary at Santa Fé to be under control of board. (N.M. XIV 1, 2.)

Supervision of state prison duty of commissioner of agriculture. (Fla. IV 26.)

Board to have control of penitentiary, branch prisons and prison farms, subject to regulations and requirements prescribed by law. (Va. XI 148.)

State commissioner of prisons to visit and inspect all institutions used for detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors; this visit and inspection not to exclude other visit and inspection now authorized by law. (N.Y. VIII 11, 13.)

Establishment and Support

Legislature to provide for erection of house of correction where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed. (N.C. XI 4.)

Legislature may establish home and workhouse for common vagrants. (Fla. XIII 2.)

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PENAL INSTITUTIONS (*Cont'd*)

PRISONS (*Cont'd*)

Establishment and Support (*Cont'd*)

Territorial prison located under existing laws to remain one of state prisons. (Minn. XV 5.)

Penitentiary to be a state penal institution. (S.D. XIV 1.)

Penitentiary confirmed as state institution; grants by Congress and others therefor accepted and to be exclusively used therefor. (N.M. XIV 1, 2.)

Penitentiary to be established. (Kan. VII 2.)

State prison to be established and maintained in manner prescribed by law. (Fla. XIII 2; Nev. XIII 2.)

Erection of safe and comfortable prisons to be provided for. (Tenn. I 32; Wyo. I 16.)

State penitentiary established with such branch prisons and prison farms as may be provided by law. (Va. XI 147.)

Legislature at first meeting to provide for erection and conduct of state's prison or penitentiary at central and accessible point in state. (N.C. XI 3.)

Inmates

Legislature to require that the structure and superintendence of penal institutions of state, county jails and state police prisons, secure health and comfort of prisoners and that male and female prisoners be never confined in same cell. (N.C. XI 6.)

Abuse of persons in prison prohibited. (Ga. I Sec. I 9.)

Persons confined in jail not to be treated with unnecessary rigor. (Ind. I 16; Ore. I 13; Utah I 9.)

No person arrested and confined in jail to be treated with unnecessary rigor; humane treatment of prisoners to be provided for. (Tenn. I 13, 32; Wyo. I 16.)

Children not to be committed to or placed in any police station, jail or other lockup. (La. 118.)

Person under age of 18 accused or convicted of crime not to be confined in same section of jail or prison in which adult prisoners are confined, but suitable quarters to be prepared. (Ariz. XXII 16.)

Legislature may provide for separation of sexes, and for separation of white and black convicts as far as practicable, and for religious worship for convicts. (Miss. X 25.)

Persons convicted of felony and sentenced to confinement in penitentiary to be confined at labor within penitentiary; state to maintain control of discipline, provide for all supplies and sanitary condition. (Ky. 253, 254.)

Convicts to be under supervision and control of officers of the state; maintenance, support, medical attendance to be under direction of officers detailed by penitentiary authorities. (S.C. XII 9.)

Prohibition of extra allowance to public officers not to prevent legislature from increasing or diminishing at any time allow-

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PENAL INSTITUTIONS (*Cont'd*)

PRISONS (*Cont'd*)

Inmates (*Cont'd*)

ance to sheriff or other officers for feeding, transferring or guarding prisoners. (Ala. IV 68.)

Votes, *See* ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — PRISONERS.

Persons under arrest, *See* CRIMES — ARREST.

Inspection

Inspection of prisons to be provided for. (Tenn. I 32; Wyo. I 16.)

Officers

Keeper of state prison appointed by governor with advice and consent of senate; term of office five years. (N.J. VII Sec. II 4.)

Warden appointed and removed by board. Subordinates appointed by warden subject to approval of board. (Iowa X 5.)

Superintendent of penitentiary to be appointed or elected as prescribed by law. Governor may fill vacancies unless otherwise provided for and may remove until next session of legislature and until successor appointed and confirmed. (S.C. XII 5, 8.)

Superintendent of state prisons appointed by governor with consent of senate for five years unless sooner removed for cause, after service of charges and hearing; bond as required by law; to appoint agents, wardens, physicians, chaplains; to superintend, manage and control state prisons, subject to law, and perform duties formerly exercised by inspectors of state prisons, and as prescribed by law; to approve appointment by agent and warden of each prison of other officers, except clerks, who are appointed by state comptroller. (N.Y. V 4, 6.)

Wardens and clerks appointed by state board of prison directors and removed by them for misconduct, incompetency or neglect of duty; other necessary officers "determined" by board, and officers and employees appointed by warden and removed at his pleasure; powers and duties of wardens and clerks to be regulated by law. (Cal. X 3.)

Superintendents and surgeons appointed by state board of directors for term of four years and removed by board for misbehavior, incapacity, neglect of duty or acts performed without authority of law; other officers and employees appointed and removed by superintendents. (Va. XI 148.)

Chaplain for each prison may be authorized by legislature. (Mich. V 26.)

Provisions of constitution relating to religious freedom not to be construed to forbid employment by state of chaplain for state penitentiary and for such of state reformatories as legislature may prescribe. (Wash. I 11.)

Legislature may provide for a guard for state prison. (Fla. XIV 2.)

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PENALTIES, *See* CRIMES.

PENSIONS

Should not be granted except in consideration of actual services and ought not to be granted for more than year at a time and with great caution. (N.H. I 36.)

Legislature not to grant except for military and naval services. (S.C. III 32.)

Not to be granted by local, private or special law. (Va. IV 63.)

Legislature not to retire officer on pay or part pay. (S.C. III 32.)

Legislature not to retire officer on pay, or part pay, nor make him any grant. (Ala. IV 98; Miss. IV 93; Okla. V 47.)

General pension system not to be established. (Md. III 59.)

Soldiers and sailors, *See* SOLDIERS AND SAILORS.

PERPETUITIES, *See* PROPERTY — PERPETUITIES.

PERSONAL INJURIES

See also INJURIES.

See also LIFE, LIBERTY AND PROPERTY.

See also ADMINISTRATION OF JUSTICE.

Death, *See* DEATH.

Injury to person to have certain remedy. (Ark. II 13; Minn. I 8; Mo. II 10; N.H. I 14; Okla. II 6; Wis. I 9.)

Every person ought to find certain remedy in laws for injuries he may receive to person. (Ill. II 19; Mass. Pt. I 11; R.I. I 5; Vt. I 4.)

Injury to person to be redressed by due course of law. (Conn. I 12; Del. I 9; Fla. D.R. 4; Ind. I 12; Kan. B.R. 18; Ky. 14; Me. I 19; Miss. III 24; Nebr. I 13; N.C. I 35; Ohio I 16; Ore. I 10; Pa. I 11; S.D. VI 20; Tenn. I 17; Tex. I 13; W.Va. III 17.)

Injury to person to be redressed by due process of law. (Ala. I 13; N.D. I 22.)

Injury to person to be adequately redressed by due process of law. (La. 6.)

Injury to person to be redressed by due process of law administered without denial or unnecessary delay. (Utah I 11.)

Injury to person ought to be redressed by the course of the law of the land. (Md. D.R. 19.)

Injury to person to be redressed without sale, denial or delay. (Wyo. I 8.)

Injury to person to be redressed speedily. (Colo. II 6; Ida. I 18; Mont. III 6; Okla. II 6.)

Legislature not to limit amount to be recovered for injuries to persons. (Ark. V 32; Ky. 54; Pa. III 21.)

No law to be enacted limiting amount of damages for causing the injury "of any person". (Ariz. II 31; Wyo. X 4.)

No act to prescribe limitation of time within which suits may be brought against corporations for injuries to persons, different from those fixed by general laws regulating actions against natural persons; such acts now existing avoided. (Pa. III 21.)

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PERSONS UNDER LEGAL DISABILITY

Minors, *See* MINORS.

Married women, *See* WOMEN.

Restoration to rights of persons convicted of crime, *See* CRIMES — AS DISQUALIFICATION OR DISABILITY, *and cross references there given.*

Estates not to be affected by local or special law. (Cal. IV 25; Ida. III 19; Ky. 59; La. 48; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Okla. V 46; Tex. III 56; Wyo. III 27.)

Estates not to be affected by local or special law, except after due notice to all parties in interest, to be recited in the special enactment. (Pa. III 7.)

Sale, lease, encumbrance or disposal of property, local or special law prohibited. (Ky. 59.)

Sale of estates, special law prohibited; but legislature to confer on courts power to direct. (Va. IV 63.)

Sale of real estate by executors, administrators, guardians or trustees, local or special law not to provide for. (Ind. IV 22; Md. III 33; Ore. IV 23.)

Sale of real estate, local, private or special law prohibited. (Colo. V 25; Fla. III 20; Mont. V 26; Nebr. III 15; Nev. IV 20; N.M. IV 24; N.D. II 69; S.D. III 23; Utah VI 26; Wash. II 28; W.Va. VI 39; Wis. IV 31; Wyo. III 27.)

Sale of personal property, local, private or special law prohibited. (Nev. IV 20; Wash. II 28; Wis. IV 31.)

Mortgage of real estate, local private or special law prohibited. (Colo. V 25; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 69; S.D III 23; Utah VI 26; Wash. II 28; W.Va. VI 39; Wis. IV 31; Wyo. III 27.)

Mortgage of personal property, private or special law prohibited. (Wash. II 28; Wis. IV 31.)

Settlement or administration of estate, or sale or mortgage of property, of person of unsound mind, local, private or special law prohibited. (Miss. IV 90.)

PETITION, RIGHT OF

For right to assemble and to petition, *See* ASSEMBLY, RIGHT OF.

Every man hath right to petition legislature for redress of grievances in peaceful and orderly manner. (Md. D.R. 13.)

PHARMACIES

See PHYSICIANS.

See PUBLIC HEALTH.

PHYSICIANS

Boards of health, *See* PUBLIC HEALTH.

Legislature to provide qualifications of practitioners of medicine in state and to punish persons for malpractice, but no preference to be given to any school of medicine. (Tex. XVI 31.)

Physicians, dentists and pharmacists now legally registered and practicing in state and Indian territory to be eligible to registration in state without examination or cost. (Okla. V 39.)

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PHYSICIANS (*Cont'd*)

Until otherwise provided by law dental surgeons licensed in territory of Oklahoma and those residents of Indian territory on June 16, 1906, and all graduates of reputable school or college of dental surgery to be eligible and licensed to practice without examination. (Okla. Sched. 14.)

Legislature to provide for protection of people from unqualified practitioners of medicine and surgery and for protecting confidential communications to physicians by patients. (La. 297.)

PIPE LINES

Oil pipe lines authorized to do business may construct and operate line between any points, connect at state lines and intersect, connect with or cross any other line. (Okla. IX 2.)

Oil pipe companies subject to "reasonable control and regulation" of corporation commission; must receive and transport each other's commodities, under regulation. (Okla. IX 4.)

Pipe line corporations declared to be common carriers. (Wyo. X 7.)

Corporations declared to be common carriers, and subject to control by law. (Ariz. XV 10.)

Corporations declared to be public utilities; control vested in railroad commission which may fix rates when power to do so is conferred by legislature. (Cal. XII 23.)

Foreign oil pipe lines must incorporate under domestic law, to exercise right of eminent domain. (Okla. IX 31.)

Eminent domain, *See* EMINENT DOMAIN — SPECIAL PUBLIC PURPOSE.

POLICE

No armed person or persons to be brought into state for purpose of suppressing domestic violence, except upon application of legislature or governor when legislature cannot be convened. (Ida. XIV 6; Ky. 225; Mont. III 31; S.C. VIII 9.)

No armed or unarmed men ever to be brought into state for suppression of domestic violence, except upon application of legislature, or executive when legislature cannot be convened. (Wyo. XIX Police Powers 1.)

No armed person or bodies of men to be brought into state by corporation or association for preservation of peace or suppression of domestic violence, except by authority of law. (Utah XII 16.)

Provision prohibiting right of citizen to bear arms in defense of himself or state not to be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men. (Ariz. II 26.)

No organized body of armed men, other than active militia, to be permitted to perform military duty in state except army of United States, without proclamation of governor. (N.D. XIII 190.)

Police force of city, town or parish not to be organized or used as part of state militia. (La. 301.)

POLICE COURTS, *See* COURTS.

POLICE MAGISTRATES, *See* COURTS — POLICE COURTS.

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POLITICAL CORPORATIONS, *See* MUNICIPALITIES.

POLITICAL DIVISIONS OF STATE, *See* MUNICIPALITIES.

POLITICAL SUBDIVISIONS OF STATE, *See* MUNICIPALITIES.

POLITICAL YEAR

See also STATE FINANCES — FISCAL YEAR.

To commence on first day of January. (N.Y. X 6.)

To commence on first Monday in January. (Minn. VII 9; Miss. XIV 257; Wis. XIII 1.)

To commence on first Wednesday in January. (Mass. Amend. X.)

POLYGAMY

As disqualification to vote, See ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS — BIGAMY AS DISQUALIFICATION.

Polygamous or plural marriages prohibited; provision not to be changed without consent of United States. (Utah III 1.)

Polygamous or plural marriages and polygamous cohabitation forever prohibited; provision not to be changed without consent of United States. (Ariz. XX; N.M. XXI 1.)

Bigamy and polygamy prohibited and legislature to provide for punishment. (Ida. I 4.)

Polygamous or plural marriages prohibited. (Okla. I 2.)

Bigamists or polygamists may not serve on jury or hold civil office. (Ida. VI 3.)

PREAMBLES

"We, the people of the state of Alabama, in order to establish justice, insure domestic tranquility and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following constitution and form of government for the state of Alabama".

"We, the people of the state of Arizona, grateful to Almighty God for our liberties, do ordain this constitution".

"We, the people of the state of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government, for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and posterity, do ordain and establish this constitution".

"We, the people of the state of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessing, do establish this constitution".

"We, the people of Colorado, with profound reverence for the Supreme Ruler of the universe, in order to form a more independent and perfect government; establish justice, insure tranquility; provide for the common defense; promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the 'state of Colorado'".

"The people of Connecticut, acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government, do, in order more effectually to define, secure, and perpetuate the liberties,

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PREAMBLES (*Cont'd*)

rights and privileges which they have derived from their ancestors, hereby, after a careful consideration and revision, ordain and establish the following constitution, and form of civil government".

"Through Divine goodness, all men have by nature the rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness; and they may for this end, as circumstances require, from time to time, alter their constitution of government". (Delaware.)

"We, the people of the state of Florida, grateful to Almighty God for our constitutional liberty, in order to secure its blessings and to form a more perfect government, insuring domestic tranquility, maintaining public order, and guaranteeing equal civil and political rights to all, do ordain and establish this constitution".

"To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen, and transmit to posterity the enjoyment of liberty, we, the people of Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this constitution".

"We, the people of the state of Idaho, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare do establish this constitution".

"We, the people of the state of Illinois — grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations — in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this constitution for the state of Illinois".

"To the end that justice be established, public order maintained, and liberty perpetuated; We, the people of the state of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution".

"We, the people of the state of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the state of Iowa, the boundaries whereof shall be as follows".

"We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the state of Kansas, with the following boundaries, to wit: Beginning

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PREAMBLES (*Cont'd*)

at a point on the western boundary of the state of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of north latitude; thence east on said parallel to the western boundary of the state of Missouri; thence south, with the western boundary of said state, to the place of beginning".

"We, the people of the commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this constitution".

"We, the people of the state of Louisiana, grateful to Almighty God for the civil, political and religious liberties we enjoy and desiring to secure the continuance of these blessings, do ordain and establish this constitution".

"We, the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the universe in affording us an opportunity, so favorable to the design; and, imploring His aid and direction in its accomplishment, do agree to form ourselves into a free and independent state, by the style and title of the state of Maine, and do ordain and establish the following constitution for the government of the same".

"We, the people of the state of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good constitution in this state for the sure foundation and more permanent security thereof, declare":

"The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life; and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness".

"The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them".

"We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity;

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PREAMBLES (*Cont'd*)

and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following Declaration of Rights, and frame of government, as the constitution of the commonwealth of Massachusetts".

"The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of the commonwealth of Massachusetts". —(Pt. II.)

"We, the people of the state of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminishd to ourselves and our posterity, do ordain and establish this constitution".

"We, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution".

"We, the people of Mississippi in convention assembled, grateful to Almighty God, and invoking His blessing on our work, do ordain and establish this constitution".

"We, the people of Missouri, with profound reverence for the Supreme Ruler of the universe, and grateful for His goodness, do, for the better government of the state, establish this constitution".

"We, the people of Montana, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do, in accordance with the provisions of the enabling act of Congress, approved the twenty-second of February, A. D. 1889, ordain and establish this constitution".

"We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the constitution of the state of Nebraska".

"We, the people of the state of Nevada, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquility, and form a more perfect government, do establish this constitution".

"The people inhabiting the territory formerly called the Province of New Hampshire do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic, or state, by the name of the state of New Hampshire". (Pt. II 1.)

"We, the people of the state of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this constitution".

"We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do ordain and establish this constitution".

"We, the people of the state of New York, grateful to Almighty God for

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PREAMBLES (*Cont'd*)

our freedom, in order to secure its blessings, do establish this constitution".

"We, the people of the state of North Carolina, grateful to Almighty God, the Sovereign Ruler of nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this state, ordain and establish this constitution."

"We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution".

"We, the people of the state of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this constitution".

"Invoking the guidance of Almighty God, in order to secure and perpetuate the blessings of liberty; to secure just and rightful government; to promote our mutual welfare and happiness, we the people of the state of Oklahoma, do ordain and establish this constitution".

"We, the people of the state of Oregon, to the end that justice be established, order maintained, and liberty perpetuated, do ordain this constitution".

"We, the people of the commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this constitution".

"We, the people of the state of Rhode Island and Providence plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same unimpaired to succeeding generations, do ordain and establish this constitution of government".

"We, the people of the state of South Carolina, in convention assembled, grateful to God for our liberties, do ordain and establish this constitution for the preservation and perpetuation of the same".

"We, the people of South Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquility, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this constitution for the state of South Dakota".

"Whereas the people of the territory of the United States south of the river Ohio, having the right of admission into the general government as a member state thereof, consistent with the constitution of the United States and the act of cession of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States northwest of the Ohio river, by their delegates and representatives in convention assembled, did, on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a constitution, or form of government, and

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PREAMBLES (*Cont'd*)

mutually agreed with each other to form themselves into a free and independent state by the name of the state of Tennessee; and

Whereas the general assembly of the said state of Tennessee (pursuant to the third section of the tenth article of the constitution), by an act passed on the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "An Act" to provide for the calling of a convention, passed in obedience to the declared will of the voters of the state, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, did authorize and provide for the election, by the people, of delegates and representatives, to meet at Nashville, in Davidson county, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending, or changing, the constitution, and said convention did accordingly meet and form a constitution, which was submitted to the people, and was ratified by them, on the first Friday in March, in the year of our Lord one thousand eight hundred and thirty-five; and

Whereas the general assembly of the said state of Tennessee, under and in virtue of the first section of the first article of the Declaration of Rights, contained in and forming a part of the existing constitution of the state, by an act passed on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a convention by the people of the state, to meet at Nashville, on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present constitution, or forming and making a new constitution; and

Whereas the people of the state, in the mode provided by said act, have called said convention and elected delegates to represent them therein; now, therefore, we, the delegates and representatives of the people of the state of Tennessee, duly elected, and in convention assembled, in pursuance of said act of assembly, have ordained and established the following constitution and form of government for this state, which we recommend to the people of Tennessee for their ratification — that is to say".

"Humbly invoking the blessing of Almighty God, the people of the state

"Grateful to Almighty God for life and liberty, we, the people of Utah, in order to secure and perpetuate the principles of free government, do ordain and establish this constitution".

"Whereas, pursuant to an act of the general assembly of Virginia, approved March the fifth, in the year of our Lord nineteen hundred, the question, 'shall there be a convention to revise the constitution and amend the same?' was submitted to the electors of the state of Virginia, qualified to vote for members of the general assembly, at an election held throughout the state on the fourth Thursday in May, in the year nineteen hundred, at which election a majority of the electors so qualified voting at said election did decide in favor of a convention for such purpose; and,

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PREAMBLES (*Cont'd*)

Whereas, the general assembly at its next session did provide by law for the election of delegates to such convention, in pursuance whereof the members of this convention were elected by the good people of Virginia, to meet in convention for such purpose.

"We, therefore, the people of Virginia, so assembled in convention through our representatives, with gratitude to God for His past favors, and invoking His blessings upon the result of our deliberation, do ordain and establish the following revised and amended constitution for the government of the commonwealth":

"We, the people of the state of Washington, grateful to the Supreme Ruler of the universe for our liberties, do ordain this constitution".

"We, the people of Wisconsin, grateful to Almighty God for our freedom; in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare; do establish this constitution".

"We, the people of the state of Wyoming, grateful to God for our civil, political and religious liberties, and desiring to secure them to ourselves and perpetuate them to our posterity, do ordain and establish this constitution".

PRECINCTS, *See* MUNICIPALITIES.

PRESIDENT OF UNITED STATES

Presidential electors to be chosen or elected in manner and at time prescribed by law. (La. 206.)

Delegates to national conventions of political parties to be chosen by direct vote of electors. Each candidate to state his first and second choice for president, which preference to be printed on primary ballot below name of candidate, but name of candidate for presidency not to be so used without his written authority. (Ohio V 7.)

PRESS, FREEDOM OF, *See* FREEDOM OF SPEECH AND PUBLICATION.

PRIMOGENITURE, *See* PROPERTY — PRIMOGENITURE AND ENTAIL.

PRINTING

See PUBLIC PRINTING.

Contracts for, *See* PUBLIC CONTRACTS.

PRIVATE GUARDS, *See* POLICE.

PRIVATE INSTITUTIONS

Aid to

See CHARITIES.

See EDUCATION — NORMAL SCHOOLS.

See EDUCATION — APPROPRIATIONS.

See EDUCATION — SECTARIAN INSTITUTIONS.

See RELIGION — APPROPRIATIONS.

See PUBLIC PROPERTY — GRANTS.

See PUBLIC PROPERTY — GRANTS FOR RELIGIOUS PURPOSES.

See PUBLIC LANDS — GRANTS.

See COUNTIES.

See CITIES.

See MUNICIPALITIES.

See TOWNS.

See VILLAGES.

See STATE DEBT — PURPOSE.

See PENAL INSTITUTIONS — REFORMATORIES.

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PRIVATE INSTITUTIONS (*Cont'd*)

Appropriations

For general provisions in regard to purpose of appropriations and so to appropriations for private institutions, See STATE FINANCES — EXPENDITURES — PURPOSE.

Investigation and control

See CHARITIES.

See CHARITIES AND CORRECTIONS.

Charitable corporations, *See* CHARITIES — CHARITABLE CORPORATIONS.

Educational corporations, *See* EDUCATION.

Penal corporations, *See* PENAL INSTITUTIONS.

PRIVATE LAWS, *See* SPECIAL OR LOCAL LAWS.

PRIVILEGES

See also LIFE, LIBERTY AND PROPERTY.

Hereditary, See HEREDITARY DISTINCTIONS.

Exemption from operation of general laws, See LAWS — GENERAL LAWS.

Suspension of laws for benefit of limited class, See LAWS — SUSPENSION.

EQUALITY IN GENERAL

No exclusive privileges, except as provided in this article, shall ever be granted. (Iowa VIII 12.)

No citizen or class of citizens to be granted privileges or immunities which upon same terms may not be granted to all citizens. (Cal. I 21; N.D. I 20.)

No law to be passed granting to any citizen or class of citizens privileges or immunities which, upon same terms, shall not equally belong to all citizens. (Ore. I 20.)

One citizen or class of citizens not to be granted privileges or immunities by legislature which upon same terms shall not equally belong to all citizens. (Ark. II 18; Ind. I 23; Iowa I 6.)

No law to be enacted giving to one citizen or class of citizens or corporations privileges or immunities not equally open to all citizens or corporations. (S.D. VI 18.)

No law to be enacted giving to one citizen or class of citizens or corporations, other than municipal, privileges or immunities not equally open to all. (Ariz. II 13; Wash. I 12.)

No man or set of men entitled to exclusive public privileges from community. (Conn. I 1.)

Same; adds "but in consideration of public services". (Ky. 3; N.C. I 7; Tex. I 3; Va. I 4.)

No citizens to be deprived of right, privilege or immunity, or exempted from burden or duty, on account of race, color or previous condition. (Ark. II 3.)

Laws affecting political rights and privileges of citizens to be without distinction of race, color, sex, or circumstance or condition whatever, other than individual incompetency or unworthiness duly ascertained by court of competent jurisdiction. (Wyo. I 3.)

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PRIVILEGES (*Cont'd*)

LOCAL, PRIVATE OR SPECIAL LAW

Legislature not to pass, granting charter. (Ala. IV 104.)

Legislature not to pass, granting exclusive privilege, immunity or franchise to corporation, association or individual. (N.J. IV Sec. VII 11.)

Same; "special" instead of "exclusive". (Utah VI 26.)

Legislature not to pass, granting any exclusive privilege, immunity or franchise to any private corporation, association or individual, unless bill or amendment reported by commissioners to revise statutes. (N.Y. III 18, 23.)

Legislature not to pass, granting to corporation, association or individual, special or exclusive privilege, immunity or franchise. (Ariz. IV 19; Colo. V 25; Minn. IV 53; Mont. V 26; N.D. II 69; Pa. III 7; S.D. III 23.)

Same; adds "nor amending existing charters for such purpose". (Ill. IV 22; Nebr. III 15; N.M. IV 24; Wyo. III 27.)

Legislature not to pass, granting to corporation, association or individual, special or exclusive right, privilege or immunity. (Cal. IV 25; La. 48; Mo. IV 53.)

Same; adds "private" before "corporation". (Va. IV 63.)

PROHIBITION OF IRREVOCABLE GRANTS

No law granting irrevocably any privilege, franchise or immunity to be enacted. (Ariz. II 9; S.D. VI 12; Utah I 23.)

Same; adds "by legislature". (Wash. I 8.)

No laws granting irrevocable special privilege, franchise or immunity to be enacted by legislature. (Colo. II 11; Mont. III 11.)

No law granting irrevocable special privilege or immunities to be passed. (Ga. I Sec. III 2; Nebr. I 16; Pa. I 17.)

Same; adds "by legislature". (Ill. II 14; Mo. II 15.)

Legislature not to pass law making irrevocable or exclusive grants of special privileges or immunities; every grant of a franchise, privilege or immunity shall forever remain subject to revocation, alteration or amendment. (Ala. I 22.)

No irrevocable or uncontrollable grant of special privileges or immunities to be made; but all privileges and franchises granted by legislature, or created under its authority, to be subject to its control. (Tex. I 17.)

No special privileges or immunities to be granted which may not be altered, revoked or repealed by legislature. (Cal. I 21; Ida. I 2; N.D. I 20; Ohio I 2.)

"No special privileges or immunities shall ever be granted by legislature which may not be altered, revoked or repealed by same body; and this power shall be exercised by no other tribunal or agency". (Kan. B.R. 2.)

Subject to provisions of this article legislature may amend or repeal laws granting special or exclusive privileges or immunities, by vote of two-thirds of each house. (Iowa VIII 12.)

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PRIVILEGES (*Cont'd*)

PROTECTION OF

Injury to immunities to be redressed by due course of law. (Me. I 19.)

Injury to rights to be adequately redressed by due process of law. (La. 6.)

Privileges and immunities of citizens of state and United States under this constitution not to be abridged. (S.C. I 5.)

PRIZE-FIGHTING

Prohibited in state and legislature to provide for prevention and punishment. (S.C. VIII 12.)

PROBATE COURTS, *See* COURTS.

PROCESS, *See* COURTS.

PROHIBITION, *See* LIQUORS — PROHIBITION.

PROPERTY

Of aliens, See ALIENS.

Of decedents' estates, See DECEDENTS' ESTATES.

Of married women, See WOMEN.

Of minors, See MINORS.

Of persons under legal disability, See PERSONS UNDER LEGAL DISABILITY.

Of public, See PUBLIC PROPERTY.

Of United States, See UNITED STATES — PROPERTY.

For provisions relating to escheats, See ESCHEATS.

For provisions relating to exemptions, including homesteads, See EXEMPTIONS FROM FORCED SALE.

For provisions relating to all instruments and so to instruments affecting property, See INSTRUMENTS.

For provisions relating to liens, See LIENS.

For provisions relating to taxation, See TAXATION.

DISPOSITION

Illegal disposition not to be given effect by local or special law. (La. 48.)

ENTAIL, *See below, this title,* PRIMOGENITURE AND ENTAIL.

INJURY TO, REDRESS OF

See also INJURIES.

See also ADMINISTRATION OF JUSTICE.

See also LIFE, LIBERTY AND PROPERTY.

Injury to personal property, *See below, this title,* PERSONAL PROPERTY.

Injury to real property, *See below, this title,* REAL PROPERTY.

Legislature not to limit amount to be recovered for injuries to property. (Ark. V 32; Ky. 54; Pa. III 21.)

Injury to property to be redressed speedily. (Colo. II 6; Ida. I 18; Mont. III 6; Okla. II 6.)

Injury to property to have certain remedy. (Ark. II 13; Minn. I 8; Mo. II 10; N.H. I 14; Okla. II 6; Wis. I 9.)

Every person ought to find remedy in laws for injuries he may receive to property. (Ill. II 19; Mass. Pt. I 11; R.I. I 5; Vt. I 4.)

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PROPERTY (*Cont'd*)

INJURY TO, REDRESS OF (*Cont'd*)

Injury to property to be redressed "without sale, denial or delay". (Wyo. I 8.)

Injury to property to be redressed by due course of law. (Conn. I 12; Ind. I 12; Kan. B.R. 18; Me. I 19; Ore. I 10; S.D. VI 20; W.Va. III 17.)

Injury to property ought to be redressed by the course of the law of the land. (Md. D.R. 19.)

Injury to property to be redressed by due process of law administered without denial or unnecessary delay. (Utah I 11.)

No act to prescribe limitation of time within which suits may be brought against corporations for injuries to property, different from those fixed by general laws regulating actions against natural persons; such acts now existing avoided. (Pa. III 21.)

PERPETUITIES

Perpetuities contrary to genius of free state and not to be allowed. (Ark. II 19; N.C. I 31; Okla. II 32; Tenn. I 22; Tex. I 26; Wyo. I 30.)

No law to be enacted permitting. (Ariz. II 29.)

Not to be allowed, except for eleemosynary purposes. (Cal. XX 9; Nev. XV 4.)

Not to be allowed except for charitable purposes. (Mont. XIX 5.)

Legislature to so regulate entails as to prevent perpetuities. (N.C. II 15; Vt. II 59.)

PERSONAL PROPERTY

Injury to movable possessions to be redressed by due course of law. (Del. I 9.)

Injury to goods to be redressed by due course of law. (Fla. D.R. 4; Ky. 14; Miss. III 24; Nebr. I 13; N.C. I 35; Ohio I 16; Pa. I 11; Tenn. I 17; Tex. I 13.)

Injury to goods to be redressed by due process of law. (Ala. I 13; N.D. I 22.)

Injury to goods to be adequately redressed by due process of law. (La. 6.)

Privileges on movable property to exist without registration except as prescribed by law. (La. 187.)

PRIMOGENITURE AND ENTAIL

Primogeniture or entailment prohibited. (Okla. II 32; Tex. I 26.)

Laws not to be enacted permitting entailment. (Ariz. II 29.)

Legislature to so regulate entails as to prevent perpetuities. (N.C. II 15; Vt. II 59.)

QUALIFICATION FOR VOTING, *See* ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

REAL PROPERTY

Of corporations, See CORPORATIONS.

For provisions relating to eminent domain, See EMINENT DOMAIN.

For provisions relating to forests, See FORESTS.

For provisions relating to public lands, See PUBLIC LANDS.

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PROPERTY (*Cont'd*)
REAL PROPERTY (*Cont'd*)
Boundaries
Boundaries not to be affected or regulated by local, private or special law. (Va. IV 63.)
Deeds
Recording of, *See below, this title,* RECORDS.
Invalid deeds not to be given effect by local, private or special law. (Ala. IV 104; Cal. IV 25; Ida. III 19; Ky. 59; Nev. IV 20; Wash. II 28.)
Informal or invalid deeds not to be given effect by local, private or special law. (Ariz. IV 19; Colo. V 25; Fla. III 20; La. 48; Md. III 33; Minn. IV 33; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Tex. III 56; Wyo. III 27.)
Entry by Warrant
No entry by warrant on land in this state to be made. (W.Va. XIII 2.)
Forfeited Lands
For disposition of, See PUBLIC LANDS — LAND FORFEITED TO STATE.
Title to forfeited lands not to be released by local or special law. (W.Va. VI 39.)
Detailed provisions for transfer of land forfeited, escheated or bought by state at tax sale to person in possession who has paid taxes; for sale of unredeemed lands and payment of surplus over taxes, interest and costs. (W.Va. XIII 3.)
Heirs to confiscated property may be released from taxes due thereon at date of its reversion to them. (La. 59.)
Injury to, Redress of
Injury to immovable possessions to be redressed by due course of law. (Del. I 9.)
Injury to lands to be redressed by due course of law. (Fla. D.R. 4; Ky. 14; Miss. III 24; Nebr. I 13; N.C. I 35; Ohio I 16; Pa. I 11; Tenn. I 17; Tex. I 13.)
Injury to lands to be redressed by due process of law. (Ala. I 13; N.D. I 22.)
Injury to lands to be adequately redressed by due process of law. (La. 6.)
Large Tracts
Land held in large tracts not to be assessed for taxes lower than land of same quality held in small tracts. (N.M. VIII 7.)
Holding of large tracts of land, uncultivated and unimproved by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property. (Cal. XVII 2.)
Law Governing
All private rights and interests in land in this state derived from and under laws of Virginia or this state prior to time

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PROPERTY (*Cont'd*)

REAL PROPERTY (*Cont'd*)

Law Governing (*Cont'd*)

of going into operation of this constitution to remain valid and to be determined by laws in force in Virginia prior to formation of this state, and by constitution and laws of this state prior to time this constitution goes into effect. (W.Va. XIII 1.)

Leases

Lease or grant of land for agricultural purposes over 21 years reserving any rent or service of any kind invalid. (Minn. I 15.)

Same; 20 years. (Iowa I 24.)

Same; 15 years. (Wis. I 14.)

Same; 12 years. (Mich. XVI 10; N.Y. I 13.)

Invalid leases not to be given effect by local or special law. (Ida. III 19.)

Prescription

See also COURTS — LIMITATION OF ACTIONS.

No action to be maintained for possession of lands within state, relying on grant or patent of Virginia or of Kentucky prior to 1820, against person in possession to well defined boundary under a title of record, unless action instituted "within five years after occupant may take possession" or constitution in effect. This not to affect any right, title or interest in lands acquired by adverse possession under laws of this commonwealth. (Ky. 251.)

Real Estate Corporation

No corporation to be chartered or licensed solely to deal in real estate except real estate in incorporated cities or towns, nor to act as agent to buy or sell same. (Okla. XXII 2.)

Records

Law not to be passed not applicable to all counties, increasing uniform charge for registration of deeds. (Miss. IV 91.)

County courts, through their clerks to have custody of deeds and other papers presented for record in county, to be preserved therein or otherwise disposed of as prescribed by law. (W.Va. VIII 24.)

All deeds and conveyances of land to be recorded in town clerk's office in respective towns, and for want thereof, in county clerk's office in same county. (Vt. II 58.)

Deeds and mortgages proved for record and recorded according to law to be *prima facie* evidence in courts without proof of execution. Certified copy of record of deed or mortgage admitted as *prima facie* evidence of record and of its due execution with like effect as original, if original is not within custody or control of party offering copy. (Fla. XVI 21.)

No mortgage or privilege on immovable property to affect third persons, unless recorded or registered in parish where property situated in manner and within time prescribed by law, except

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PROPERTY (*Cont'd*)

REAL PROPERTY (*Cont'd*)

Records (*Cont'd*)

privileges for expenses of last illness and for taxes; provided such taxes, liens, mortgages and privileges shall lapse in three years from last day of year in which taxes are levied, and whether now or hereafter recorded. (La. 186.)

Sale

Sale or conveyance not to be authorized by private or special law. (Mich. V 31.)

Tenure

Lands in state declared to be allodial; and feudal tenures of every description with all their incidents prohibited. (Ark. II 28; Minn. I 15.)

All lands declared allodial, feudal tenures prohibited; fines and like restraints on alienation reserved in any grant of land hereafter made void. (Wis. I 14.)

Feudal tenures, with all incidents, abolished, saving rents and services certain heretofore lawfully created and reserved. All lands within this state are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates. Fines, quarter sales and other like restraints and alienations reserved in any grant of land hereafter made, void. (N.Y. I 11, 12, 14.)

Titles

Legislature to pass stringent laws for the detection and conviction of all forgers of land titles and may appropriate money necessary for that purpose. (Tex. XIII 6.)

Torrens System

Legislature to have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may accept for the purpose of the settlement, registration, transfer or assurance of titles to land in the state or any part thereof. (Va. VI 100.)

Laws may be passed providing for system of registering, transferring, insuring and guaranteeing land titles by the state or counties, and for settling and determining adverse or other claims to and interests in lands under system and for creation and collection of guaranty funds by fees against registered lands; and judicial powers may by law be conferred on county recorders or other officers in matters arising under the system. (Ohio II 40.)

RIGHTS TO

See also LIFE, LIBERTY AND PROPERTY.

Right of property before and higher than any constitutional sanction. (Ark. II 22.)

"Nothing contained in this constitution shall * * * affect any rights of property." (Tenn. XI 2.)

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PROPERTY (*Cont'd*)

RIGHTS TO (*Cont'd*)

Grants of land made by king of Great Britain after October 14, 1775, null and void; "but nothing contained in this constitution" to affect prior grants by him or subsequent grants by state; "or shall impair" certain debts "or any other rights of property". (N.Y. I 17.)

RIGHTS OF UNITED STATES CITIZENS

Distinction not to be made between citizens of state and citizens of other states and territories of United States in reference to purchase, enjoyment or descent of property. (Kan. B.R. 17.)

SALE

Sale of property of individual not to be provided for by local or special law. (Ala. IV 104.)

PROSECUTING ATTORNEYS

Under this title are digested provisions which specifically refer to these officers; for provisions relating to county officers and public officers in general, See "COUNTIES" *and* "PUBLIC OFFICERS".

In constitutions of Arkansas, Indiana, Michigan, Minnesota, Oregon, Washington, West Virginia, term "prosecuting attorneys" is used.

In constitutions of California, Idaho, Louisiana, Massachusetts, Mississippi, Nebraska, Nevada, New Mexico, New York, Pennsylvania, Wisconsin, term "district attorneys" is used.

In constitutions of Illinios, Maryland, North Dakota, South Dakota, Tennessee, Vermont, term "state's attorneys" is used.

In constitution of Virginia term "commonwealth attorney" is used.

In constitutions of Alabama, New Hampshire, North Carolina, South Carolina, term "solicitor" is used.

In constitution of New Jersey, term "prosecutors of pleas" is used.

In constitution of Georgia, term "solicitor general" is used.

In constitutions of Arizona, Iowa, Maine, Montana, Oklahoma, Texas, Utah, Wyoming, term "county attorneys" is used.

In constitution of Florida, terms "prosecuting attorneys" and "state's attorneys" are used.

In constitution of Kentucky, terms "commonwealth's attorneys" and "county attorneys" are used.

In constitution of Colorado, terms "district attorneys" and "county attorneys" are used.

ABOLISHMENT OF OFFICE

Legislature has power. (Nev. IV 32.)

Legislature may abolish office of commonwealth's attorney, in which case duties discharged by county attorneys. (Ky. 108.)

ACCOUNTS

Legislature to provide for strict accountability for fees collected and for all moneys paid or officially coming into possession. (Wash. XI 5.)

Receipts for money collected; collections returned and paid over to proper accounting officer. (Md. V 12.)

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PROSECUTING ATTORNEYS (*Cont'd*)

APPOINTMENT

By governor with advice and consent of senate. (N.J. VII Sec. II 4.)

By governor with consent of senate, in each judicial circuit. (Fla. V 15.)

By governor and confirmed by senate for each county criminal court of record. (Fla. V 27.)

Solicitor elected for each circuit or other territorial subdivision prescribed by legislature, but legislature may provide by law for appointment by governor or election by qualified electors of a county, of a solicitor for any county. (Ala. VI 167.)

"Selected" for each circuit court district in manner prescribed by law. (Miss. VI 174.)

Legislature to provide for election or appointment in the several counties. (Cal. XI 5.)

Charters framed by counties for own government may provide for election or appointment, and if appointment, for manner of appointment. (Cal. XI 7½.)

County attorneys elected or appointed as provided by law. (Colo. XIV 8.)

ASSISTANTS

Legislature may create office of assistant district attorney; to be appointed and removed by and to possess qualifications for, and to have powers and duties of, district attorney, except not to receive fees and emoluments of office. To have salary of $600 paid by the state and such additional salary as prescribed by law paid *pro rata* by police jury of parish or parishes of district. (La. 125 (1914).)

Legislature may provide for deputies and assistants. (W.Va. IX 6.)

In Baltimore one deputy not to exceed $4,000 and other assistants at such salaries not exceeding $2,500 as supreme bench of city may authorize, payable out of fees of office. (Md. V 9.)

Governor not to employ additional counsel in any case unless authorized by legislature. (Md. V 3.)

BONDS

Legislature may require, with security. (W.Va. IX 5.)

Of $10,000 with sureties approved by judge having criminal jurisdiction. (Md. V 12.)

COMMISSIONS TO

Legislature may provide for. (W.Va. IX 5.)

COMPENSATION

As prescribed by law. (Fla. V 18, 27; Ill. VI 32; Nev. IV 32; N.M. VI 24; S.C. V 29; S.D. V 24; W.Va. IX 6.)

To be fixed salary. (Miss. VI 174.)

Salary fixed by law, one-half by state and the other half by county for which elected. (Mont. VIII 19.)

Fees, salaries and emoluments prescribed by legislature. (N.C. IV 18.)

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PROSECUTING ATTORNEYS (*Cont'd*)

COMPENSATION (*Cont'd*)

To receive no other compensation than salary prescribed by law; not to be increased or diminished during term for which elected. (Ala. VI 167.)

Salary or compensation either from fees or emoluments or from general county fund as provided by law. (Colo. VI 21, XIV 8.)

To be regulated by law in proportion to duties and for this purpose legislature may classify counties by population. (Wash. XI 5.)

Legislature to regulate compensation in proportion to duties; and may establish fees to be charged, and for this purpose may classify counties; charters framed by counties for own government may provide for compensation or for its fixing by boards of supervisors. (Cal. XI 5, 7½.)

Salary not to exceed $250 a year, but legislature may change by two-thirds vote of each branch, but change not to affect officer then in commission. (Ga. VI Sec. XIII 1, 2.)

Salary $400 until otherwise provided by law, but never to exceed that sum; not to be increased or diminished during term of office; excepted from provision prohibiting fees and perquisites. (Ark. Sched. 28, XIX 11.)

Salary of commonwealth's attorney from state, same for each officer, not to exceed $500, but any county may pay additional compensation; also such percentage of fines and forfeitures as may be fixed by law, payable only when collected and paid into treasury. Fees of commonwealth's attorney in penal or criminal cases not to be remitted by governor. (Ky. 98, 77.)

Not less than $500 nor more than $1,500 to be fixed by board of commissioners of county and paid in quarterly instalments out of county treasury. (Ida. V 18.)

Legislature to provide for compensation of district attorneys and county attorneys; but district attorneys to receive salaries of $500 from state, and fees, commissions and perquisites as provided by law; county attorneys to receive as compensation only such fees, commissions and perquisites as prescribed by law. (Tex. V 21.)

$1,000 and also fees, but no fee in criminal cases except on conviction and then not to exceed $5 in each case of misdemeanor. (La. 125 (1914).)

In counties having assessed valuation not over $2,000,000 not more than $1,200. In counties having assessed valuation of more than $2,000,000 and less than $5,000,000, not more than $1,500. In counties having assessed valuation of more than $5,000,000, not more than $2,500. (Wyo. XIV 3.)

Salary of county attorneys in counties of over 20,000 to be $2,000 and in counties of over 30,000, $2,500, and in counties of over 40,000, $3,000. (Okla. Sched. 18.)

Fees and commissions or salary not exceeding $3,000 as may be prescribed by law, payable out of fees of office; in Baltimore city

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PROSECUTING ATTORNEYS (*Cont'd*)

COMPENSATION (*Cont'd*)

annual salary $5,400. Removal from office for receiving other fee or reward than allowed by law; "on conviction thereof". (Md. V 9.)

CONSOLIDATION OF OFFICES

Legislature has power. (Nev. IV 32.)

DEPUTIES, *See above, this title,* ASSISTANTS.

DUAL OFFICE HOLDING, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

ELECTION

Under this subhead are digested those provisions which specifically refer to this officer; for provisions relating to elections in general, See the title ELECTIONS; *for provisions allowing the legislature to establish offices and provide for their election or appointment, See the titles* PUBLIC OFFICERS *and* COUNTIES.

Solicitor for each judicial circuit or other territorial subdivision prescribed by legislature to be elected by qualified electors of counties in such circuit or territorial subdivision in which he prosecutes criminal cases; legislature may provide by law for appointment by governor or election by qualified electors of a county of a solicitor for any county. (Ala. VI 167.)

By qualified electors of each county, subject to change by law. (Ariz. XII 3.)

By qualified electors of each circuit. (Ark. VII 24.)

Legislature to provide for election or appointment in the several counties. (Cal. XI 5.)

Charters framed by counties for own government may provide for election or appointment. (Cal. XI 7½.)

By qualified electors of each judicial district at general election in 1904 and every four years thereafter, but legislature may provide that after 1878 election shall be on different date from election for other purposes. (Colo. VI 21, 15.)

County attorneys elected or appointed as provided by law. (Colo. XIV 8.)

Prosecuting attorneys elected (except in counties having criminal court) by qualified electors of each county at time of electing county judge. (Fla. V 18, 29.)

Elected for each judicial circuit by electors of whole state qualified to vote for members of legislature, at general election next preceding expiration of term. (Ga. VI Sec. XI 1.)

By qualified electors for each organized county; legislature may reduce or increase number. (Ida. V 18, 11.)

At election for members of legislature in 1872 and every four years thereafter; one for each county. (Ill. VI 22.)

By voters in each judicial circuit. (Ind. VII 11.)

By qualified electors of each county at general election in 1886 and biennially thereafter. (Iowa V 13.)

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PROSECUTING ATTORNEYS (*Cont'd*)

ELECTION (*Cont'd*)

Commonwealth's attorney elected in each circuit court district in 1897 and every six years thereafter; but legislature may abolish office, in which case duties discharged by county attorneys. (Ky. 97, 108.)

County attorney elected in each county in 1897 and every four years thereafter. (Ky. 99.)

By qualified electors in each judicial district at same time as district judges. (La. 125 (1914).)

District attorney for parish of Orleans elected by voters of parish for four years, salary, fees, qualifications and assistants are prescribed in constitution. (La. 148.)

By the voters of each county and of city of Baltimore on Tuesday after first Monday in November, 1867, and every fourth year thereafter. Returns to judge having criminal jurisdiction who decides on elections and in case of tie, designates which person shall qualify and administers oaths of office. (Md. V 7, 8.)

Legislature to provide for by people of several districts. (Mass. Amend. 19.)

Biennially in each organized county. (Mich. VIII 3.)

Unless legislature otherwise provides, state to be divided into six judicial districts, each of which may, at first election, elect one prosecuting attorney. (Minn. Sched. 14, 15.)

"Selected" for each circuit court district in manner prescribed by law. (Miss. VI 174.)

At general election in each county. (Mont. VIII 19.)

Legislature to provide for election by people and may increase, diminish, consolidate and abolish. (Nev. IV 32.)

By inhabitants of several towns in the several counties according to method and laws now in force, but legislature may alter manner of certifying votes and mode of election but not to deprive people of right of election. (N.H. II 70.)

For each judicial district, and legislature may provide for additional ones in any district and to designate counties for which he shall serve. (N.M. VI 24.)

By electors of respective counties every three years and in case of vacancy; but in counties of New York and Kings and in counties coterminous with city, every two or four years as legislature shall direct. Time of election to be prescribed by law. (N.Y. X 1, 4.)

For each judicial district by qualified voters "as prescribed for members" of legislature. (N.C. IV 23.)

Biennially in each organized county. (N.D. X 173.)

Sufficient number elected by districts comprised of one or more counties. (Ore. VII 17.)

For each circuit by qualified electors; if failure to attend and prosecute, court may appoint attorney *pro tempore;* but if county courts established legislature may provide for solicitors for each county in place of circuit solicitors. (S.C. V 29.)

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PROSECUTING ATTORNEYS (*Cont'd*)

ELECTION (*Cont'd*)

Legislature may "provide for state's attorneys" elected biennially in each organized county. (S.D. V 24, IX 5.)

By qualified voters of circuit or district for which judge having criminal jurisdiction is provided by law. (Tenn. VI 5.)

Legislature to provide for, in such district as deemed necessary. (Tex. V 21.)

County attorneys elected by qualified voters of each county in which no resident criminal district attorney. (Tex. V 21.)

County attorneys elected by qualified voters of each county and legislature may provide other attorneys for state. (Utah VIII 10.)

State's attorneys elected biennially on first Tuesday after first Monday in November, by freemen of respective counties. Returns of election made to member of lower house and canvassed by joint committee of legislature. If tie, legislature to elect from persons in tie. (Vt. II 35, 45, 49.)

Commonwealth's attorney elected by qualified voters of each county on Tuesday after first Monday of November; in every city, so long as it has corporation court or separate circuit court, commonwealth's attorney elected by qualified voters of city; to be also commonwealth's attorney for circuit court in cities having separate circuit court. (Va. VII 110, 112, 119.)

Legislature to provide by general and uniform laws for election in several counties. (Wash. XI 5.)

By voters of each county. (W.Va. IX 1.)

By electors of respective counties every two years. (Wis. VI 4.)

ESTABLISHMENT OF OFFICES

Office of county attorney created for each organized county, subject to change by legislature. (Okla. XVII 2.)

To be county officers. (Pa. XIV 1.)

FEES

Receipt of, *See above, this title,* COMPENSATION.

Accounts of, *See above, this title,* ACCOUNTS.

FREE PASSES, ETC.

During term of office not to accept, hold or use free pass nor purchase, receive or accept transportation over railroad within state for himself or family on terms not open to general public, and on conviction to forfeit office, be guilty of felony, and punished by fine of not more than $1,000 or by imprisonment in penitentiary not less than one nor more than five years. (N.M. XX 14.)

IMPEACHMENT

See also IMPEACHMENT.

For high crimes and misdemeanors and gross misconduct in office. (Ark. XV 1.)

Of state attorneys for crime in official capacity which may require disqualification. (Tenn. V 4.)

OATH OF OFFICE

Filed with secretary of state. (Colo. XII 9.)

Administered by judge having criminal jurisdiction in county or city. (Md. V 8.)

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PROSECUTING ATTORNEYS (*Cont'd*)

POWERS AND DUTIES

Prescribed by law. (Ariz. XII 4; Cal. XI 5; Colo. VI 21; Fla. V 15, 18; Ga. VI Sec. XI 2; Ida. V 18; Ill. VI 32; Md. V 9; Mich. VIII 3; Miss. VI 174; Mont. VIII 19; Nev. IV 32; N.M. VI 24; S.D. V 24; Utah VIII 10; Wash. XI 5; W.Va. IX 6.)

Represent state in all cases in superior courts of circuit and in all cases taken up from circuit to highest court. (Ga. VI Sec. XI 2.)

Prosecute on behalf of state in criminal actions in superior courts, and advise officers of justice in district. (N.C. IV 23.)

Law officers of state and of counties within district; perform duties pertaining to administration of law and general police, as legislature may direct. (Ore. VII 17.)

County attorneys to represent state in cases in district and inferior courts; if there is district attorney, respective duties regulated by legislature. (Tex. V 21.)

QUALIFICATIONS AND DISQUALIFICATIONS

Admission to Bar

Practicing attorney. (Ida. V 18.)

Admitted to practice in state. (La. 125 (1914); Md. V 10.)

Admitted to practice in highest court. (Mont. VIII 19, 16.)

Practiced law for three years next preceding election. (Ga. VI Sec. XIV 1.)

Commonwealth's attorneys to have practiced law four years; county attorneys two years. (Ky. 100.)

Age

Twenty-one years. (Mont. VIII 19, 16.)

Twenty-four years at time of election. (Ky. 100.)

Twenty-five years. (Colo. VI 21, 16.)

Twenty-five years at time of election. (Ga. VI Sec. XIV 1; S.D. V 24, 25.)

Citizenship

Citizen of United States. (Ark. VII 24; Colo. VI 21, 16; Mont. VIII 19, 16; S.D. V 24, 25.)

Citizen of state. (Ky. 100.)

Citizen of state three years. (Ga. VI Sec. XIV 1.)

Dual Office Holding

Ineligible to legislature. (Ill. IV 3; Me. IX 2; S.D. III 3.)

Commonwealth's attorney ineligible to legislature during continuance in office and election to legislature and qualification to vacate his office. (Va. IV 44.)

Ineligible to office of justice of highest court or of inferior courts, attorney-general, treasurer, adjutant-general, judge of probate, register of probate, register of deeds, sheriff or deputy, clerk of judicial court. (Me. IX 2.)

Commonwealth's attorney not to hold at same time office of county treasurer, sheriff, county clerk, commissioner of revenue, superintendent of poor, county surveyor or supervisor. (Va. VII 113.)

Election to and acceptance of seat in Congress vacates office. (Me. IX 2; Mass. Amend. VIII.)

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PROSECUTING ATTORNEYS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Educational

Learned in law. (Ala. VI 167; Ark. VII 24; Colo. VI 21, 16; N.M. VI 24; S.D. V 24, 25.)

Electoral

Elector of district in which elected. (Colo. VI 21, 16; Ida. V 18; N.D. X 173.)

Prescribed by Law. (Ariz. XII 4.)

Re-Election

Ineligible for more than four years in succession. (S.D. IX 5.)

Residence

Residence during term, *See below, this title,* RESIDENCE.

Resident of district for which elected. (Ark. VII 24; Ida. V 18; Iowa V 13.)

Actual resident in district. (La. 125 (1914).)

At time of election, resident in county in circuit in which he prosecutes criminal cases, or other territorial subdivision for which elected. (Ala. VI 167.)

State's attorney residing in county where criminal court held, eligible for appointment as county solicitor for such county. (Fla. V 31.)

Residence at least two years in county or city in which elected. (Md. V 10.)

Resident in state one year preceding election and resident in circuit at time of election. (S.D. V 24, 25.)

Resident in state one year preceding election; need not be resident of district for which elected at time of election. (Mont. VIII 19, 16.)

Resident in state two years preceding election and at time of election. (Colo. VI 21, 16.)

Resident in state two years and in county and district one year preceding election. (Ky. 100.)

Resident of state for three years before election and resident in district for which elected. (N.M. VI 24.)

Resident of state five years and of circuit or district one year. (Tenn. VI 5.)

REMOVAL

For acceptance of free passes, etc., See above, this title, FREE PASSES, ETC.

Impeachment, See above, this title, IMPEACHMENT.

By Governor

Giving copy of charges and hearing. (N.Y. X 1; Wis. VI 4.)

For failure to prosecute violations of article XIII of constitution (bribery, free passes, etc.), after due notice and hearing. (N.Y. XIII 6.)

By Governor on Address of Legislature

By governor on joint address of two-thirds of members elected to each house of legislature, for good cause. (Ark. XV 3.)

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PROSECUTING ATTORNEYS (*Cont'd*)

REMOVAL (*Cont'd*)

By Governor on Address of Legislature (*Cont'd*)

By governor on joint resolution of legislature in which two-thirds members elected to each house concur, for "incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause" stated in resolution. (Ore. VII 20.)

By Legislature

By joint resolution of legislature, in which three-fourths of members elected to each house concur, for incompetency, corruption, malfeasance, or delinquency in office or other sufficient cause stated in resolution; served with copy of charges, and hearing. (Wash. IV 9.)

By concurrent vote of both houses of legislature, each house voting separately, by two-thirds of members to which each house is entitled must concur. Vote by yeas and nays and names of members voting for or against, together with causes of removal to be entered on journal of house. Notice, with copy of causes, at least 10 days before action by either house. (Tenn. VI 6.)

For incompetency, wilful neglect of duty or misdemeanor in office on conviction in court or by vote of two-thirds of senate on recommendation of attorney-general. (Md. V 7.)

By Court

By highest court under regulations prescribed by law, for wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics, or offence involving moral turpitude in office, or for any cause specified in constitution. (Ala. VII 174.)

On information in name of state by highest court or as prescribed by law, if convicted of corruption or other high crime. (Ind. VII 12.)

For "high crimes and misdemeanors, for nonfeasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness", by district court of domicile; detailed provisions for bringing suit, costs, appeals, etc. (La. 222.)

Of county attorneys by judges of district courts for incompetency, official misconduct, habitual drunkenness or other causes defined by law, on written charges and jury trial. (Tex. V 24.)

On Conviction

To be removed on prosecution and final conviction for misdemeanor in office. (Ill. VI 22, 30.)

Subject to indictment or prosecution for misfeasance in office or wilful neglect of duties in manner prescribed by law; conviction to vacate office; but officer to have right to appeal to highest court. (Ky. 227.)

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PROSECUTING ATTORNEYS (*Cont'd*)

REMOVAL (*Cont'd*)

On Conviction (*Cont'd*)

For incompetency, wilful neglect of duty or misdemeanor in office on conviction in court or by vote of two-thirds of senate on recommendation of attorney-general. (Md. V 7.)

For receiving fee or reward other than allowed by law "on conviction thereof". (Md. V 9.)

As Prescribed by Law

On information in name of state by highest court or as prescribed by law, if convicted of corruption or other high crime. (Ind. VII 12.)

RESIDENCE

As qualification for office, See above, this title, QUALIFICATIONS AND DISQUALIFICATIONS.

In circuit. (S.C. V 29.)

In county for which elected. (Ill. VI 32; S.D. V 37.)

In district for which elected or appointed. (Colo. VI 29.)

In district for which elected, during term of office. (Mont. VIII 33, 19, 16.)

During term of office, in a county in circuit in which he prosecutes criminal cases, or other territorial subdivision for which elected. (Ala. VI 167.)

TERM OF OFFICE

As may be prescribed by law. (Mass. Amend. 19; Wash. XI 5.)

Same; charters framed by counties for own government may provide. (Cal. XI 5, 7½.)

Two years. (Ariz. XII 3; Ark. VII 24; Ida. V 18; Ind. VII 11; Mont. VIII 19; S.D. IX 5; Tex. V 21; Utah VIII 10.)

Two years and until successor qualified. (Iowa V 13; N.D. X 173.)

Two years from first day of February after election. (Vt. II 48.)

Four years. (Ala. VI 167; Fla. V 15, 18, 27; Ga. VI Sec. XI 1; La. 125 (1914); Miss. VI 174; N.M. VI 24; S.C. V 29; W.Va. IX 1.)

Four years and until successor qualified. (Ill. VI 22, 32; N.C. IV 23, 25.)

Four years from first Monday in January after election and until successor qualifies. (Md. V 7.)

Four years, and terms in several districts to expire on same day. (Colo. VI 21, 15.)

Four years from first Monday in January after election, and until successor qualified, in case of county attorneys. (Ky. 99.)

Of commonwealth's attorney four years from January first after election. (Va. VII 112, 119.)

Five years for prosecutors of the pleas. (N.J. VII Sec. II 4.)

Six years from first Monday in January after election and until successor qualified, in case of commonwealth's attorneys, unless office abolished. (Ky. 97.)

Eight years. (Tenn. VI 5.)

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PROSECUTING ATTORNEYS (*Cont'd*)

VACANCIES IN OFFICE

If failure to attend and prosecute, court may appoint attorney *pro tempore*. (Tenn. VI 5; Utah VIII 10.)

Filled by special election, unless vacancy occurs nine months before general election, in which case vacancy filled by appointment by governor. (Ark. VII 50.)

Filled by election. If unexpired term does not exceed one year, filled by appointment by judge of court in district. (Colo. VI 29.)

Filled by governor until January first after general election next after expiration of 30 days from time vacancy occurs, at which election successor elected for unexpired term. (Ga. VI Sec. XI 1.)

Filled as provided by law. (Ida. V 19.)

Filled by election; if unexpired term less than year, by appointment by board of supervisors or board of county commissioners. (Ill. VI 32.)

Elections to fill to be for unexpired term and governor to fill until election which shall be held within 60 days from date of vacancy, but if unexpired term for shorter period than one year, governor's appointee to hold for unexpired term. (La. 125 (1914).)

Filled for remainder of term by judge having criminal jurisdiction in county or city. (Md. V 11.)

Filled by board of county commissioners of county until successor elected and qualified. Person elected to fill vacancy to hold for remainder of unexpired term. (Mont. VIII 34.)

Filled by governor until next general election, when successor elected to hold for unexpired term. (N.M. XX 4.)

Filled by governor unless otherwise provided for until next regular election for legislature when elections to be held to fill. If person elected fails to qualify, office to be filled as in case of vacancy. (N.C. IV 25.)

Filled at biennial election of civil officers occurring more than 30 days after vacancy occurs. (Tenn. VII 5.)

County attorneys appointed by commissioners' court of county, until general election. (Tex. V 21.)

Filled by appointment only for unexpired portion of term and until successor elected and qualified. (Wis. VI 4.)

PROSECUTORS OF PLEAS, *See* PROSECUTING ATTORNEYS.

PUBLIC CONTRACTS

In this title are digested provisions relating to contracts of the state; for contracts by local authorities, See appropriate titles; for special state contracts, See below, this title, SPECIAL CONTRACTS.

TAXATION AFFECTED BY, *See* TAXATION — POWER TO TAX.

COMPENSATION

Legislature shall provide for compensation by law. (Tex. III 44.)

EXTRA COMPENSATION

Compensation not to be increased by general assembly above the amount specified in the contract. (Conn. Amend. XXIV.)

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PUBLIC CONTRACTS (*Cont'd*)

EXTRA COMPENSATION (*Cont'd*)

Legislature not to grant to any public contractor. (N.Y. III 28.)

Not to be made to any public contractor after contract entered into. (Iowa III 31; Ohio II 29.)

Legislature never to grant to any public contractor after contract entered into. (Ariz. IV 2, 17; Colo. V 28; Mont. V 29; Nebr. III 16; Pa. III 11; S.D. XII 3; Tex. III 44; Wash. II 25; Wis. IV 26; Wyo. III 30.)

Legislature not to grant or authorize to public contractor after contract entered into. (Ga. VII Sec. XVI 2; Mich. XVI 3.)

Not to be granted or allowed to any public contractor after contract entered into. (Md. III 35; W.Va. VI 38.)

Not to be made to contractor after the contract made, unless allowed by bill passed by two-thirds of the members elected to each branch of the legislature. (Ark. V 27; Fla. XVI 11.)

Legislature not to grant any extra compensation, fee or allowance to any public contractor. (La. 47.)

Legislature not to grant extra compensation, fee or allowance after contract made. (Ala. IV 68; Ill. IV 19; Miss. IV 96; S.C. III 30.)

Legislature not to grant any extra compensation or allowance to a public contractor after contract has been entered into and performed in whole or in part. (Cal. IV 32.)

Legislature not to grant extra compensation, fee or allowance to any public contractor after contract entered into and performed in whole or in part. (Mo. IV 48; Utah VI 30.)

Legislature not to pass local, private or special law granting extra compensation to any public contractor. (Va. IV 63.)

INTEREST OF PUBLIC OFFICERS

In school supplies, *See* EDUCATION — SCHOOL TEXT-BOOKS AND SUPPLIES.

Member of legislature not to be interested directly or indirectly in any contract with the state authorized by any law passed during the term for which he shall have been elected. (N.M. IV 28; Tex. III 18; W.Va. VI 15.)

No member of the legislature to be interested directly or indirectly in any contract with the state authorized during the term for which he shall have been elected or one year thereafter. (Ill. IV 15; Mich. V 7; S.D. III 12.)

Same; two years thereafter. (Okla. V 23.)

No member of the legislature or any state officer to be interested directly or indirectly in any contract with the state authorized by any law passed during the term for which elected or one year thereafter. (Nebr. III 13.)

No public officer or member of legislature to be interested directly or indirectly in any contract with the state, authorized by any law passed or order made by any board of which he may be or may have been a member during the term for which he was chosen or within one year thereafter. (Miss. IV 109.)

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PUBLIC CONTRACTS (*Cont'd*)

INTEREST OF PUBLIC OFFICERS (*Cont'd*)

No person while concerned in any army or navy contract, to be a senator or representative. (Del. II 14.)

No person interested in contract with or unadjusted claim against state, to be eligible to legislature. (Nebr. III 6.)

UNAUTHORIZED BY LAW

For payment of claims in general, and so of claims under contracts, See STATE FINANCES — CLAIMS AGAINST STATE.

No officer to bind state to payment of money "but by authority of law". (Ala. IV 68.)

Payment of claims under not to be authorized. (Ill. IV 19; Miss. IV 96; S.D. XII 3.)

Legislature not to pay or authorize payment of claims under. (Cal. IV 32; La. 47; Mo. IV 48; Utah VI 30; W.Va. VI 38.)

Legislature not to authorize payment or part payment of claims under. (S.C. III 30.)

To be null and void. (Cal. IV 32; Ill. IV 19; La. 47; Mo. IV 48; S.D. XII 3; W.Va. VI 38.)

SPECIAL CONTRACTS

Subject of

All stationery required for use of state. (Ore. IX 8.)

All public printing. (Ga. VII Sec. XVII 1; S.C. XVII 5.)

All public printing and binding. (Ky. 247.)

All stationery required for use of state, all printing authorized or required by legislature and for the state. (Wis. IV 25.)

Fuel, stationery, blanks, printing and binding for use of the state. (Mich. V 25.)

Fuel, stationery and printing paper furnished for use of the state, copying, printing, binding and distributing and all other printing ordered by the legislature. (Ill. IV 25; W.Va. VI 34.)

All stationery and printing, except proclamations and such printing as may be done at the deaf-and-dumb asylum, paper and fuel used in legislative and other departments of the government, except the judicial department; the printing and binding of laws, journals and department reports, and all other printing and binding, furnishing and repairing rooms and halls used for meetings of the legislature and its committees. (Tex. XVI 21.)

Stationery, printing, paper, fuel for use of legislative and other departments of government, printing, binding and distributing of laws, journals, department reports, and all other printing and binding, furnishing and repairing rooms and halls used for meetings of the legislature and its committees. (Ala. IV 69; Ark. XIX 15; Colo. V 29; Del. XV 8; La. 44; Miss. IV 107; Pa. III 12.)

Same; adds "lights" after "fuel". (Mont. V 30; Wyo. III 31.)

Work and materials on canals. (N.Y. VII 9.)

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PUBLIC CONTRACTS (*Cont'd*)
SPECIAL CONTRACTS (*Cont'd*)
Approval
By governor. (Ky. 247.)
By governor subject to be relet, in case of disapproval, as may be prescribed by law. (Ill. IV 25; W.Va. VI 34.)
By governor and state treasurer. (Colo. V 29; Miss. IV 107; Mont. V 30; Wyo. III 31.)
By governor, auditor and treasurer. (Ala. IV 69; Ark. XIX 15; Pa. III 12.)
By governor, secretary of state and comptroller. (Tex. XVI 21.)
By governor, president of the senate, speaker of the house, or any two of them. (La. 44.)
Award of
In such manner as may be prescribed by law. (S.C. XVII 5.)
To lowest bidder giving adequate security. (Ga. VII Sec. XVII 1; Mich. V 25; N.Y. VII 9.)
To lowest responsible bidder under regulations prescribed by law. (Ore. IX 8.)
To lowest bidder but legislature may establish a maximum price. (Wis. III 25.)
To lowest responsible bidder under maximum price fixed by legislature. (Ill. IV 25; W.Va. VI 34.)
To lowest responsible bidder below maximum price and under regulations prescribed by law. (Ala. IV 69; Ark. XIX 15; Colo. V 29; Del. XV 8; Ky. 247; La. 44; Miss. IV 107; Pa. III 12; Tex. XVI 21.)
Bids shall be opened in the presence of persons making bids or their representatives. (Del. XV 8.)
Interest of Public Officers
No member of legislature or other public officer to be interested directly or indirectly in. (Ga. VII Sec. XVII 1.)
No member or officer of any department of government to be in any way interested in. (Ala. IV 69; Ark. XIX 15; Colo. V 29; La. 44; Miss. IV 107; Mont. V 30; Pa. III 12; Tex. XVI 21; Wyo. III 31.)
No member of legislature or officer of state to be interested in any way in. (Ill. IV 25; Ky. 247; Ore. IX 8; W.Va. VI 34; Wis. III 25.)
No member of legislature or officer of state to be in any way interested in when awarded to or by any such member, officer or department. (Del. XV 8.)
Examination of
Legislature shall create a joint standing committee to examine and report on all contracts made for printing, stationery and purchases for the public offices and library. (Md. III 24.)
Extra Compensation
Not to be made, but if, from unforeseen cause, contract unjust and oppressive, canal board may cancel it, on application of contractor. (N.Y. VII 9.)

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PUBLIC CORPORATIONS, *See* MUNICIPALITIES.

PUBLIC DEBT

See STATE DEBT.

See "BOROUGHS", "CITIES", "COUNTIES", "DISTRICTS", "MUNICIPALITIES", "TOWNS", "TOWNSHIPS", "VILLAGES", *and* "EDUCATION — SCHOOL DISTRICTS".

PUBLIC FINANCES

See STATE FINANCES.

See "BOROUGHS", "CITIES", "COUNTIES", "DISTRICTS", "MUNICIPALITIES", "TOWNS", "TOWNSHIPS", "VILLAGES", *and* "EDUCATION".

PUBLIC GROUNDS

Not of state, local or special law prohibited. (Cal. IV 25; Ida. III 19; Ky. 59; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

PUBLIC HEALTH

Regulation of physicians, *See* PHYSICIANS.

State Board of Health, legislature to provide by law for maintenance and efficiency of. (Cal. XX 14.)

State Board of Health and Bureau of Vital Statistics in connection therewith to be established by law with powers prescribed by law. (Wash. XX 1.)

Legislature may provide for establishment of board of health and vital statistics. (Tex. XVI 32.)

State board to be provided by legislature and also local boards to be under supervision of state board; powers and duties to be prescribed by law. (Del. XII.)

Legislature shall create board of health, board of dentistry, board of pharmacy and pure food commission, and prescribe duties of each. (Okla. V 39.)

Legislature to create for state and for each parish and municipality, boards of health and prescribe powers and duties. State board to be composed of representative physicians from various sections of state. (La. 296.)

Legislature to establish state board of health and also county boards of health in counties where necessary. The state board to have supervision of matters relating to public health with powers and duties prescribed by law. County boards to have such powers and be under supervision of state board to such extent as legislature may prescribe. (Fla XV.)

Legislature to create boards of health wherever necessary giving them power and authority to make such regulations as shall protect health of community and abate nuisances. (S.C. VIII 10.)

Legislature to enact laws to regulate practice of medicine and surgery and sale of drugs and medicines. (Wash. XX 2.)

Legislature to provide for interest of state medicine; for protecting people against sale of injurious or adulterated drugs, foods and drinks, and against adulterations of general necessaries of life. (La. 297.)

Legislature to protect and promote health and morality of people by such measures for encouragement of temperance and virtue, and such restrictions upon vice and immorality as deemed necessary to public welfare. (Wyo. VII 20.)

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PUBLIC LANDS

Under this title are digested provisions relating especially to public lands; for provisions relating to public property generally and so to public lands, See PUBLIC PROPERTY; *for provisions relating to lands owned by or subject to disposal of the United States, See* UNITED STATES — PROPERTY.

BOARD OF COMMISSIONERS

Under this heading are digested those provisions which specifically refer to these officers. For provisions relating to all officers and hence to them, See title "PUBLIC OFFICERS".

Bond

To give such security for faithful performance of duties, as may be required by law. (Wis. X 8.)

Compensation

Three thousand dollars a year until otherwise provided by law to be paid out of income of board. (Colo. IX 9.)

Jurisdiction

All public lands. (Colo. IX 9; Ida. IX 7; Wyo. XVIII 3.)

Limited to lands for educational purposes. (Mont. XI 4; Nebr. VIII 1; N.D. IX 156; Ore. VIII 5; Wis. X 7; Wyo. VII 13.)

Members and Qualifications

Three persons appointed by governor with advice and consent of senate, one to be an engineer of five years' practice. (Colo. IX 9.)

Governor, superintendent of public instruction, secretary of state. (Wyo. XVIII 3.)

Governor, secretary of state, state treasurer, superintendent of public instruction. (Wyo. VII 13.)

Governor, superintendent of public instruction, secretary of state, attorney-general, state auditor. (Ida. IX 7; N.D. IX 156.)

Governor, superintendent of public instruction, secretary of state, attorney-general. (Mont. XI 4.)

Governor, secretary of state, treasurer, attorney-general, superintendent of public lands and buildings. (Nebr. VIII 1.)

Secretary of state, treasurer, attorney-general. (Wis. X 7.)

Governor, secretary of state, state treasurer. (Ore. VIII 5.)

Powers and Duties

Prescribed by law. (Ore. VIII 5.)

Term of office

Six years. (Colo. IX 9.)

COMMISSIONERS OF LAND OFFICE

Jurisdiction

All public lands. (N.Y. V 5; Okla. VI 32.)

Members

Lieutenant-governor, speaker of assembly, secretary of state, comptroller, treasurer, attorney-general, state engineer. (N.Y. V 5.)

Governor, secretary of state, state auditor, superintendent of public instruction, president of board of agriculture. (Okla. VI 32.)

Powers and Duties

As prescribed by law. (N.Y. V 6.)

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PUBLIC LANDS (*Cont'd*)

COMMISSIONER

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See title "PUBLIC OFFICERS".

Title

Commissioner of public lands. (Ark. VI 1; N.M. V 1; Wash. III 1.)

Commissioner of land office. (Md. VII 4.)

Commissioner of state land office. (Mich. VI 1.)

Commissioner of general land office. (Tex. IV 1.)

Commissioner of school and public lands. (S.D. IV 12.)

Register of land office. (Ky. 91.)

Superintendent of public lands and buildings. (Nebr. V 1.)

Abolition of Office

Legislature may abolish office of register of land office and provide for custody of papers and records. (Ky. 94.)

Office may be abolished by legislature. (Mich. VI 1; Wash. III 25.)

Office of commissioner to be continued, but legislature at next session may abolish or continue same in such manner as prescribed by law. (Ark. Sched. 24.)

Accounts

Semi-annual account of fees to be made to comptroller. (Md. VII 4.)

Compensation

As provided by law. (Wash. III 13.)

Paid by salary and not otherwise. (Ky. 96.)

Fifteen hundred dollars a year. (Md. VII 4.)

Eighteen hundred dollars; increase by legislature prohibited. (S.D. XXI 2.)

Twenty-five hundred dollars. (Nebr. V 24.)

Twenty-five hundred dollars which cannot be increased by legislature. (Mich. VI 21.)

Twenty-five hundred dollars and no more. (Tex. IV 23.)

Three thousand dollars which may be increased or decreased by law after 10 years from date of admission as a state; no other to be allowed. (N.M. V 12.)

To be fixed by law, but not over $2,500 and not to be increased or diminished during term of office. (Ark. XIX 11.)

Election or Appointment

Under this subhead are digested those provisions which specifically refer to this officer; for provisions relating to elections in general, See title "ELECTIONS"; *for provisions allowing legislature to establish offices and provide for their election or appointment, See title* "PUBLIC OFFICERS".

Appointed by governor with consent of senate. (Md. VII 4.)

Elected by qualified electors at time and place of choosing members of legislature. (S.D. IV 12; Tex. IV 2; Wash. III 1.)

Elected by qualified voters at time of choosing governor. (Ky. 91.)

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PUBLIC LANDS (*Cont'd*)
COMMISSIONER (*Cont'd*)
Election or Appointment (*Cont'd*)
Elected at each general biennial election. (Mich. VI 1.)
Returns of election same as governor. (Ark. VI 3; Nebr. V 1; N.M. V 2; Tex. IV 3; Wash. III 4.)
Establishment of Office
Legislature may provide for by law. (Ark. VI 1.)
Fees and Perquisites
Not to be received. (Mich. VI 21; N.M. V 12; S.D. XXI 2.)
All collected, paid into treasury. (Ky. 93.)
Payable by law, to be paid in advance into treasury. (Ark. XIX 11; Nebr. V 24.)
Paid when received, into treasury. (Tex. IV 23.)
To be charged as fixed by law, and paid semi-annually into treasury. (Md. VII 4.)
Impeachment; *See* IMPEACHMENT.
Powers and Duties
Prescribed by law. (Ky. 91, 93; Md. VII 5; Mich. VI 20; S.D. IV 13; Tex. IV 23; Wash. III 23.)
Qualifications
Thirty years old, citizen of United States, and resident continuously in state for five years preceding election. (N.M. V 3.)
After serving two consecutive terms, ineligible to hold state office for two years thereafter. (N.M. V 1 (1914).)
Ineligible to re-election for four years after term for which elected. (Ky. 93.)
Thirty years at time of election and resident citizen of state at least two years before election. (Ky. 91.)
Ineligible to other state office during period for which elected. (Nebr. V 2.)
Residence and Office
At capital of state. (N.M. V 1; S.D. IV 12; Tex. IV 23; Wash. III 24.)
Succession to Governorship, *See* GOVERNOR.
Term of Office
Two years. (Mich. VI 1; N.M. V 1; S.D. IV 12.)
Two years and until successor qualified. (Nebr. V 1; Tex. IV 23.)
Four years and until successor qualified. (Ky. 91; Wash. III 1.)
Same as that of appointing governor and until successor qualifies. (Md. VII 4.)
Vacancy in Office
Filled by governor until successor elected and qualified as provided by law. (Nebr. V 11.)
ADVERSE CLAIMANTS
Prohibition of donation of not to interfere with discretion of legislature in confirming title to lands claimed for state but used or possessed by others under adverse claim. (S.C. III 31.)

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PUBLIC LANDS (*Cont'd*)

APPRAISAL

In such manner as may be provided by law. (Mont. XVII 1; Wash. XVI 1.)

By board of commissioners. (Wyo. XVIII 1.)

Value of lands granted for education, exclusive of improvements, to be appraised before sale by board of appraisers, to be provided by law. (Wash. XVI 2.)

Board of appraisal consisting of commissioner of school and public lands, state auditor and "county superintendent of schools, of counties severally", to appraise lands granted for educational and charitable purposes, designated by them for sale, at actual value; to first designate most valuable lands. (S.D. VIII 4.)

Of lands held for educational and charitable purposes under control of board of commissioners, by county board of appraisal to consist of county superintendent of schools, chairman of county board and county auditor, to appraise lands recommended by them for sale, at actual value, to first designate most valuable lands. (N.D. IX 156, 157, 160.)

All lands, leaseholds, timber and other products of the soil to be appraised at their true value. (Ariz. XI 4.)

Lands held for educational or charitable purposes not sold within two years after appraisal, to be reappraised before sale. (N.D. IX 158, 160; S.D. VIII 5.)

School lands subject to revaluation every five years. (Kan. VI 5.)

ARID LANDS

Future grant by congress on condition of reclamation and sale to actual settlers, may be accepted by legislature if conditions practicable and reasonable. (Wyo. XVIII 1.)

BEDS AND SHORES OF WATERS, *See* WATERS — BEDS AND SHORES OF.

CLASSIFICATION OF

By board of land commissioners into grazing lands, timber lands, agricultural lands, lands within limits of a city or town or three miles therefrom; reclassification whenever necessary by reason of increased facilities for irrigation or otherwise. (Mont. XVII 2.)

To be made by commissioner, under provision of act of Congress relating thereto and the law. (N.M. XIII 2.)

Board of appraisal to ascertain lands of special and peculiar value other than agricultural, and cause proper subdivision to obtain largest price. (S.D. VIII 4.)

DISPOSITION

For provisions relating exclusively to sales, See below this title, SALES.

For provisions relating exclusively to leases, See below, this title, LEASES.

Legislature to provide for disposition of university land grant. (Iowa IX Pt. II 5.)

Legislature to provide for sale, disposal or leasing of all lands granted to state. (Wyo. XVIII 4.)

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PUBLIC LANDS (*Cont'd*)

DISPOSITION (*Cont'd*)

Legislature may provide by law for sale or disposal of lands granted by United States for other than educational or charitable purpose, free from limitations on sale of educational lands. (N.D. IX 164.)

Neither lands nor any estate or interest therein to be disposed of except in pursuance of general laws providing therefor. (Mont. XVII 1, 3.)

Disposal, sale, rental of school lands to be duty of board of commissioners. (Nebr. VIII 1; N.D. IX 156; Wis. X 7.)

Sale or other disposition of land granted by Congress to be duty of board of commissioners, under regulations prescribed by law and so as to secure maximum possible amount therefor. (Colo. IX 10.)

Board of land commissioners, under direction of legislature, to lease and dispose of lands granted for school purposes. (Wyo. VII 13.)

Disposal, sale, rental to be duty of board of commissioners under rules and regulations prescribed by legislature. (Okla. VI 32.)

To be duty of board of commissioners under regulations prescribed by law. (Colo. IX 9; Ida. IX 7; Wyo. XVIII 3.)

To be duty of commissioner, under provisions of act of Congress and of regulations provided by law. (N.M. XIII 2.)

Lands granted by Congress, where manner of disposal and minimum price prescribed, to be only so disposed of, except by consent of United States. (Mont. XVII 1; Wash. XVI 1.)

FISHERY

People to have right to fish upon and from public lands and in waters of the state, except lands set aside for fish hatcheries; no public land to be sold or transferred without reserving right in people to fish thereon; no law to be passed making it a crime to enter public lands to fish in water planted with fish by state. (Cal. I 25.)

FOREIGN TERRITORY

Legislature, with approval of governor, authorized to pay for, if purchased by state, by appropriation or by issuing state bonds. (Ala. IV 90.)

FORESTS, *See* FORESTS.

GRANT

For grant of right of way, See below, this title, RIGHT OF WAY.

No donation of land to be made by state to or for the use of any society, association or corporation. (N.J. I 20.)

Lands under control of the state never to be donated to railroad companies, private corporations or individuals. (Nebr. III 18.)

Land belonging to or under control of state not to be donated to individuals, private corporations or railroad corporations. (Miss. IV 95.)

Lands belonging to or under control of state not to be donated directly or indirectly to private corporations, individuals, associations or railroad companies. (Ala. IV 99; S.C. III 31.)

Donation of lands owned by or under the control of state to any person or corporation by special, private or local law, prohibited. (Ala. IV 104.)

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PUBLIC LANDS (*Cont'd*)

GRANT (*Cont'd*)

Land controlled by state not to be granted to persons or corporations by special, local or private laws. (Miss. IV 90.)

Legislature may grant to railroad, but only by general law; grant to be forfeit if not alienated under given conditions; detail conditions of grant. (Tex. XIV 3, 5.)

Legislature shall provide for donation of to actual settlers, but not over 160 acres to any one person. (Fla. XVI 5.)

Donations to every head of a family without a homestead, of 160 acres, to single men of eighteen and upwards 80 acres, on condition that he select and locate it, occupy it three years and pay office fees. (Tex. XIV 6.)

Lands belonging to state, suitable for cultivation, to be granted only to actual settlers, not exceeding 320 acres to each settler, under conditions prescribed by law. (Cal. XVII 3.)

GRANTS BY FORMER SOVEREIGN

If made by king of Great Britain since October 14, 1775, null and void, if made previously constitution not to affect. (N.Y. I 17.)

Detailed provisions in regard to Spanish and Mexican land grants. (Tex. XIII, XIV 2.)

IMPROVEMENT

Legislature to provide for improvement of university land grants. (Iowa IX Pt. II 5.)

IRRIGATION PROJECT

Land "needed for irrigation works on United States project", to be relinquished to United States and other lands selected. (Ariz. X 5.)

LAND FORFEIT TO STATE

Legislature not to pass any local or special law releasing title to, but shall provide by general law therefor. (W.Va. VI 39.)

Provision for redemption of land forfeited, escheated or purchased at tax sales and irredeemable by person in actual possession and who has paid state taxes on, for five years. (W.Va. XIII 3.)

May be converted by law into forest reserves. (Ohio II 36.)

LAND GRANT FUNDS

See also below, this title, TRUSTS IN.

Funds for solely educational purposes

See EDUCATION — FUNDS.

See EDUCATION — STATE UNIVERSITY — FUNDS.

Commissioners of land office to have sale, disposal, management of funds derived from public lands under rules and regulations prescribed by legislature. (Okla. VI 32.)

Funds for each object in enabling act to be kept separate and devoted each to its specific object. Money to be kept invested in "safe, interest-bearing securities" approved by governor and secretary of state, by treasurer who shall be under bond. (Ariz. X 7.)

Legislature to provide for suitable keeping, transfer and disbursement of; and require officers in charge of to give ample bonds for all "moneys and funds". (Wyo. XVIII 4.)

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PUBLIC LANDS (*Cont'd*)

LAND OFFICE

One general land office at capitol, subordinate offices to be established by legislature; legislature to make it self-sustaining. All titles from the state to be registered in except those prohibited by the constitution. (Tex. XIV 1.)

LEASE

For provisions relating to disposition of lands generally and so to leasing, See above, this title, DISPOSITION.

See also below, this title, PRICE.

Beds and shores of waters, *See* WATERS — BEDS AND SHORES.

Harbor lands, *See* WATERS — BEDS AND SHORES.

Of natural oyster beds prohibited. (Va. XIII 175.)

Legislature to enact necessary laws for leasing all lands granted to the state. (Wyo. XVIII 4.)

Legislature may, by general law, provide for leasing of coal lands of state, including lignite coal lands. (N.D. IX 155.)

School lands may be leased for not over 25 years at rate fixed by law. (Kan. VI 5.)

Legislature to provide by law for lease of lands granted for educational and charitable purposes for not over five-year periods, for meadows or pastures, at public auction after notice; school lands under cultivation may be leased for other purposes; rents to be paid in advance. (N.D. IX 161.)

Educational and charitable lands to be leased for pasturage, meadow, farming, growing of grain and general agricultural purposes, after notice as for sale, in tracts of not over one section; rent payable in advance; lease not valid until approved by governor, unless leasing entrusted to county. (S.D. VIII 9, 12.)

Board of commissioners to provide for rental of lands granted by congress, under regulations prescribed by law, and so as to secure maximum possible amount therefor. (Ida. IX 8.)

Certain school lands not to be leased for more than 10 years for gross sum; may be leased for not over 25 years for annual ground rent, uncleared lands for short term in consideration of improvement with right to lease or hold on payment of ground rent. (Miss. VIII 211.)

To be provided for by legislature, subject to enabling act and constitution; not under appraised value, to highest and best bidder at public auction in county seat of county in which land or major part situate, after advertisement (details given), except that lease of less than five years may be made without advertisement; all former lessees and bona fide residents to be protected in water rights and improvements; to be entitled to renewal of leases at reassessed rental and a succeeding lessee to pay them value of improvements and rights; never over 160 acres agricultural, 640 acres grazing land to one person; lease of lands granted by enabling act not in substantial conformity with the provisions of the enabling act to be void. (Ariz. X 3, 8, 9, 10.)

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PUBLIC LANDS (*Cont'd*)

LEASE (*Cont'd*)

Legislature to authorize governor to lease to United States public domain of state for military purposes, subject to approval of legislature. (Tex. XVI 34.)

LOCATION

Of lands granted by Congress; legislature to provide for. (Colo. IX 10; Ida. IX 8; Wyo. XVIII 4.)

Of lands granted by Congress to be provided for by board of commissioners under regulation prescribed by law. (Colo. IX 10; Ida. IX 7.)

Selection and location to be made by commissioner under provision of act of Congress relating thereto and the law. (N.M. XIII 2.)

MORTGAGE OF

Or deed of trust not to be valid. (Ariz. X 3.)

PRICE

See also above, this title, LEASE.

Never to be disposed of unless full market value of interest disposed of be paid or safely secured to state; grants by Congress at least minimum price fixed by grant. (Mont. XVII 1; Wash. XVI 1.)

Of school lands not to be less than minimum fixed by Congress, and so as to realize largest possible proceeds. (Wyo. VII 13.)

No sale of land granted for educational purposes valid unless bid equal appraised value. (Wash. XVI 2.)

For lands for educational purposes not under $7 an acre, and not less than appraised value. (Nebr. VIII 8.)

No land for educational or charitable purposes to be sold for less than appraised value, never less than $10 an acre; one-fourth paid in cash, one-fourth in five, one-fourth in ten, one-fourth in 15 years; interest not less than five per cent; subdivided land may be sold for cash; purchaser to have option to pay balance at any time. (S.D. VIII 5.)

Lands granted for educational or charitable purpose not to be sold for less than appraised value; no case less than $10 an acre; one-fifth to be paid in cash, one-fifth in five, one-fifth in ten, one-fifth in 15, one-fifth in 20 years, interest at not less than six per cent. (N.D. IX 158.)

Not less than $10 an acre, or three-fourths appraised value. (Wyo. XVII 1.)

School or university lands not less than $10 an acre. (Ida. IX 8, 10.)

Such of school sections 2, 32, 14 and 36 as are not contiguous to other state lands are not to be sold for 10 years after admission of state at less than $10 per acre. (N.M. XIII 1.)

Lands, leaseholds, timber or other products of the soil at not less than appraised value; land in no case to be sold for less than $3 an acre or if irrigable under United States or other project, not less than $25 an acre. (Ariz. XI 4, 5.)

Lands belonging to or under control of state not to be sold to corporation and association at a less price than that for which subject to sale to individuals. (Ala. IV 99; Miss. IV 95; S.C. III 31.)

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PUBLIC LANDS (*Cont'd*)

PRODUCTS

Timber, *See* FORESTS — TIMBER.

Natural products to be sold in same manner and place as land and not for less than appraised true value; sale void if not in conformity with provisions of enabling act. (Ariz. X 3, 4, 8.)

State may sell stone from, in manner and on terms provided by law. (Wash. XVI 3.)

PROTECTION

To be provided for by board of commissioners. (Colo. IX 10; Ida. IX 7.)

Legislature to enact suitable laws to prevent destruction by fire from any cause of grasses and forests on lands of the state or of the public domain, the control of which may be conferred by Congress on the state, and to otherwise protect the same. (Mont. XIX 3.)

Legislature to provide by law for protection of school lands from trespass or unlawful appropriation, and for defense against efforts to divert them from school fund. (S.D. VIII 14.)

Legislature to provide for protection of university land grant. (Iowa IX Pt. II 5.)

RIGHT OF WAY OVER

Easement of, may be given to railroad, telegraph or telephone companies. (Ala. IV 99.)

State through legislature to have power to grant to any railroad or canal. (La. 58.)

Legislature may grant easement of, not over 150 feet wide, to railroads. (S.C. III 31.)

Prohibition of donation of land not to prevent legislature from granting a right of way not over 100 feet wide to railroads across state lands as easement, and legislature never to dispose of land covered by right of way so long as easement exists. (Miss. IV 95.)

All persons and corporations to have, for ditches, canals and flumes to convey water for domestic, mining and manufacturing purposes, irrigation or drainage. (Colo. XVI 7.)

SALE

For provisions relating to disposition of lands generally and so to sales, See above, this title, DISPOSITION.

Approval

Governor may disapprove any, unless entrusted to counties. (S.D. VIII 12.)

Confirmation

Sale heretofore made of school and university lands by county commissioners or university commissioners may be confirmed by legislature when purchase price paid in good faith. (Wash. XVI 2.)

Limit of Parcels

Lands not specially subdivided to be offered in not over 80-acre tracts, those subdivided in smallest subdivision. (S.D. VIII 4.)

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PUBLIC LANDS (*Cont'd*)

SALE (*Cont'd*)

Limit of Parcels (*Cont'd*)

Only to be sold in lots of not over 160 acres to settlers. (Tex. XIV 4.)

Never more than 160 acres agricultural land or 640 acres grazing land, to one person. (Ariz. X 11.)

Lands not specially subdivided to be offered in tracts of one-fourth section, those subdivided in smallest subdivision. (N.D. IX 158.)

Not over 25 sections of school land sold in one year in subdivision not to exceed 160 acres. (Ida. IX 8.)

Not over 160 acres of granted land in one parcel, lands within limits of incorporated city or two miles from boundary, valued at over $100 an acre, to be platted into not over five-acre blocks, not over one block offered in one parcel. (Wash. XVI 4.)

Lands within limits of town or city or three miles away from, to be sold in alternate lots of not over five acres each, not over three-fourths of any tract to be sold before 1910. (Mont. XVII 2.)

Method

Lands granted by Congress, at public auction. (Ida. IX 8.)

School lands sold at public auction in portions at proper intervals of time. (Wyo. VII 13.)

To highest bidder at public auction after advertisement. (S.D. VIII 5.)

To be sold to highest bidder at public auction at county seat of county in which situate, after advertisement (details given). (Ariz. X 3; N.D. IX 158.)

At public auction to highest responsible bidder, after appraisal. (Wash. XVI 2; Wyo. XVIII 1.)

Certain lands sold to highest bidder by proceeding in circuit court of county in which situated. (W.Va. XIII 4.)

Prohibition

Beds and shores of navigable waters, *See* WATERS — BEDS AND SHORES.

Certain school lands not to be sold but may be leased. (Miss. VIII 211.)

Certain grounds owned by state in Indianapolis not to be sold or leased. (Ind. XV 9.)

Coal lands of state, including lignite coal lands, never to be sold but may be leased. (N.D. IX 155.)

Natural oyster beds, rocks and shoals not to be sold, rented or leased. (Va. XIII 175.)

Salt springs belonging to state never to be alienated. (Nebr. III 17.)

Provision for

School lands not to be sold unless authorized by vote at general election. (Kan. VI 5.)

No certificate for, to be sold at general land office except to actual settlers. (Tex. XIV 4.)

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PUBLIC LANDS (*Cont'd*)
SALE (*Cont'd*)
Provision for (*Cont'd*)
Legislature to authorize governor to sell to United States public domain of state for military purposes, subject to approval of legislature. (Tex. XVI 34.)
Legislature to provide for, from time to time. (Colo. IX 10; Ida. IX 8.)
Legislature to provide for sale of lands granted by Congress to begin one year after assembly of first legislature, no more than one-fourth to be sold within five years, nor more than one-half of balance within 10 years, residue after the 10 years; patent not to issue till payment; separate accounts to be kept of lands given for particular purposes. (N.D. IX 158, 160.)
May be sold subject to the enabling act and the constitution; legislature to provide therefor by law; all former lessees and bona fide residents to be protected in water rights and improvements; sale, conveyance or contract for any lands granted by enabling act not in substantial conformity with the provisions of the enabling act to be void. (Ariz. X 8, 9, 10.)
Sale of school and university lands to be made by law, after appraisal; commissioners to execute conveyance and take back mortgage for unpaid purchase price and discharge mortgage when paid; may withhold any portion of lands if they deem it expedient. (Wis. X 8.)
To be sold under rules and regulations prescribed by law, town lots, in alternate lots of not over five acres and not over one-half of any such tract before 1910. (Mont. XVII 2.)
School lands to be sold by board of commissioners. (Ore. VIII 5.)
Sale of lands granted by Congress to be duty of board of commissioners, under regulations prescribed by law and so as to secure maximum possible amount therefor. (Ida. IX 8.)
All sales to be conducted through office of commissioner of school and public lands as prescribed by law, returns of appraisals and sales to be made to same office; conveyance of title not to be effective for 60 days after date of sale and until approved by governor; no grant or patent to issue until final payment is made; separate account to be kept of lands given for particular purposes. (S.D. VIII 6, 8.)
All public lands set apart to state by Congress for penal, charitable, educational and public building purposes, and all taken in lieu thereof may be sold by state under rules and regulations prescribed by the legislature in conformity with provisions of enabling act. (Okla. XI 4.)
Congressional land grant for internal improvements to be appraised and sold as provided by law for school lands. (Minn. IV 32.)

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PUBLIC LANDS (*Cont'd*)

SALE (*Cont'd*)

Provision for (*Cont'd*)

Land set apart for university fund to be sold under regulations prescribed by law, legislature to provide for prompt collection of debts due university account for lands heretofore sold. (Tex. VII 12, 15.)

Lands needed for storage of water for irrigation, drain ditches or irrigation ditches may be purchased like other school lands, but patent shall issue when principal and interest due are paid, either at time of sale or any time thereafter. (N.D. IX 158.)

Lands, waste and unappropriated, forfeited, escheated, purchased and irredeemable, if title in state at time of sale, to be sold; former owner to receive excess over taxes and 12 per cent. interest and cost of proceedings. (W.Va. XIII 4, 5.)

Reservation of Fishing Rights

Not to be sold or transferred without reservation to people of absolute right to fish thereupon. (Cal. I 25.)

Taxation After

To be subject to taxation from date of contract of sale, which becomes null and void if taxes unpaid before first Monday in October of year after assessment. (N.D. IX 158.)

SQUATTERS

Grants from United States to state not to be located on land actually settled without consent of the occupant, but no such claim to be allowed for more than 320 acres. (Iowa XI 7.)

Grants to be located on vacant and unappropriated land, not on land "titled or equitably owned under color of title" from state, evidenced by county or general land office records or by actual occupation. (Tex. XIV 2.)

All former bona fide residents to be protected in water rights and improvements, in case of sale or lease of. (Ariz. X 9.)

In disposition of public lands granted by Congress to state, preference to be given to actual settlers; legislature to provide by law for carrying this section into effect. (Mont. XIX 7.)

On lands granted by United States for various objects, to have preference right to purchase, in case of actual and bona fide settlement and improvement at time of adoption of constitution, in quantities of not over 160 acres, at not less than appraised value, excluding value of improvements. (Wyo. XVIII 1.)

Legislature never to grant privileges to persons settling on land granted by United States to state, subsequent to survey by United States, by which amount derived from sale diminished, directly or indirectly. (Colo. IX 10; Ida. IX 8; N.D. IX 163.)

Same; but have first right to buy. (Wyo. XVIII 5.)

No claim to public land by any trespasser by reason of occupancy, cultivation or improvement ever to be recognized; nor compensation ever to be made on account of any improvements made by such trespasser. (S.D. VIII 10.)

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PUBLIC LANDS (*Cont'd*)

SUPERVISION

Educational and school lands to be under control and management of legislature. (Iowa IX Pt. II 1.)

Legislature to enact necessary laws for care of all lands granted to the state. (Wyo. XVIII 4.)

Management of to be duty of board of commissioners under rules and regulations prescribed by legislature. (Okla. VI 32.)

Direction, control and care of all lands granted to state, to be duty of board of commissioners, under regulations imposed by law. (Mont. XI 4; Wyo. XVIII 3.)

Direction and control to be duty of board of commissioners under regulations prescribed by law. (Colo. IX 10; Ida. IX 7; Wyo. VII 13.)

Control and care of to be duty of commissioner under provisions of act of Congress relating thereto and the law. (N.M. XIII 2.)

Commissioner of agriculture to have supervision of all matters pertaining to, under regulations prescribed by law. (Fla. IV 26.)

TRUSTS IN

See also above, this title, LAND GRANT FUNDS.

For solely educational purposes, See EDUCATION — FUNDS.

All lands granted to state held in trust for all the people. (Wash. XVI 1.)

All lands belonging to territory of New Mexico, all lands granted, transferred or confirmed to state by Congress, and all lands hereafter acquired, declared to be public lands of state to be held or disposed of as may be provided by law for purposes for which granted, donated or otherwise acquired. (N.M. XIII 1.)

All lands of state granted to state by Congress, and all lands acquired by gift or grant or devise from any person or corporation, to be public lands of state, held in trust for the people, to be disposed of as hereafter provided, for respective purposes for which granted, donated or devised. (Mont. XVII 1.)

All lands of state granted by Congress, and all lands acquired by gift, grant or devise, from any person or corporation, or otherwise, accepted and declared to be public lands of state; to be held in trust for the people, to be disposed of as may be provided by law, for respective purposes for which granted, donated, devised or otherwise acquired. (Utah XX 1.)

State accepts several grants of land made by enabling act under conditions and limitations therein mentioned, reserving right to apply to Congress for modification of said conditions and limitations in case of necessity. (N.D. XVI 205.)

Legislature at the earliest practicable period to provide by law that grants of land made by Congress to state be held in trust, subject to disposal at public auction, for the use and benefit of objects for which made; and for faithful application of proceeds in accordance with term of grants. (Ida. IX 8; Colo. IX 10.)

All lands expressly transferred and confirmed to state by enabling act approved June 20, 1910, including all lands granted to state,

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PUBLIC LANDS (*Cont'd*)

TRUSTS IN (*Cont'd*)

all lands heretofore granted to territory and all lands otherwise acquired by state, to be accepted and held in trust to be disposed of in whole or in part, only in manner as in enabling act and constitution provided, and for objects specified in granting and confirmatory provisions; natural products and money proceeds of any of said lands to be subject to same trusts as lands producing the same. (Ariz. X 1.)

Lands granted by Congress accepted under terms, conditions and for purposes expressed in act making or confirming grants. (Ariz. XX 12; Mont. Ordinance I 7; N.M. XXI 9.)

Grant by Congress for payment of bonds of certain counties to be selected and located as soon as possible by proper officers of state, and sold by them to pay interest and principal of state bonds issued to refund county bonds; excess to be paid into school fund. (N.M. IX 4.)

Certain lands granted by Congress for designated educational institutions and proceeds of sale to be kept as a trust never to be diminished; income only to be used exclusively for benefit of designated institution. (Okla. XI 5.)

Proceeds of lands granted by Congress for university and other institutions to constitute permanent funds to be safely invested by state and income applied for support of institutions and colleges respectively; proceeds of grants for deaf and dumb and blind to be trust, principal to remain inviolate, state guarantee against diversion. (Utah X 5, 10.)

Land grants by Congress for state institutions accepted and to be exclusively used for purposes for which granted. (N.M. XII 12, XIV 2.)

Land set aside for a permanent fund for designated institutions to be sold and proceeds invested and kept for use of institutions, as provided for school land. (Tex. VII 9.)

Internal improvement land grant from Congress to be sold and proceeds invested in bonds to be used for purpose of grant under detailed restrictions. (Minn. IV 32.)

TIDE LANDS

State disclaims title to all tide lands patented by United States. (Wash. XVII 2.)

TAXATION, EXEMPTION FROM, *See* TAXATION — EXEMPTION.

WATER POWER

Lands valuable for water power development or hydro-electric transmission and designated by secretary of interior within five years after statehood not to be disposed of by state and any transfer during such five years to be void. (Ariz. X 6.)

PUBLIC OFFICERS

Here are digested provisions relating to public officers generally, state officers, and various classes, the extent of which can only be determined by an examination of court decisions (e. g., "civil officers", "officers under authority of the state", etc.). Provisions relating to particular

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PUBLIC OFFICERS (*Cont'd*)

officers (e. g., attorney-general) or classes of officers (e. g., county officers, militia officers) are digested under the specific titles.

ACCOUNTABLE TO PEOPLE

Public officers are trustees and servants of the people, and at all times amenable to them. (Ga. I Sec. I 1.)

All persons invested with the legislative or executive powers of government are trustees of the public, and as such accountable for their conduct. (Md. D. R. 6.)

Magistrates and officers of government vested with authority, whether legislative, executive or judicial, are substitutes and agents of the people, and are at all times accountable to them. (Mass. Pt. I 5.)

People have right to require of lawgivers and magistrates an exact and constant observance of principles of constitution and of piety, justice, moderation, temperance, industry and frugality in formation and execution of laws necessary for good administration of state. (Mass. Pt. I 18.)

Magistrates and officers of government are substitutes and agents of the people, and at all times accountable to them. (N.H. I 8.)

People have right to require of lawgivers and magistrates exact and constant observance of principles of constitution and of justice, moderation, temperance, industry, frugality and all the social virtues, in formation and execution of laws necessary for good administration of government. (N.H. I 38.)

People have right, in a legal way, to exact from their legislators and magistrates, due and constant regard to fundamental principles and to justice, moderation, temperance, industry and frugality in making and executing laws necessary for good government of state. (Vt. I 18.)

Magistrates are trustees and servants of the people, and at all times amenable to them. (W.Va. III 2.)

ACCOUNTS

Disqualification for Failure to Account, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

Of Whom Required

Officers and commissioners of state. (Okla. VI 33.)

State officials, boards and institutions (law to require accounts of them). (Mich. X 18.)

Officers of executive department. (Colo. IV 16; Fla. IV 27; Ida. IV 17; Ill. V 20; Mo. V 22; Mont. VII 19; Nebr. V 21; N.M. V 9; S.C. IV 14; Tex. IV 24.)

Subordinate officers of executive department. (W.Va. VII 17.)

Officers of public state institutions. (Colo. IV 16; Ida. IV 17; Ill. V 20; Mont. VII 19; Nebr. V 21; N.M. V 9; W. Va. VII 17.)

Boards of public institutions. (S.C. IV 14.)

Officers and managers of state institutions. (Tex. IV 24.)

Officers charged with safe-keeping, transfer and disbursement of state, county and school funds. (S.C. X 12.)

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PUBLIC OFFICERS (*Cont'd*)

ACCOUNTS (*Cont'd*)

Of Whom Required (*Cont'd*)

Officers or persons charged with safe-keeping, transfer and disbursement of state and school funds or any part thereof. (Minn. IX 12.)

Officers collecting or receiving, or having duty of collecting, receiving, holding or paying out, money of state, county, district or municipal corporation (law to require accounts of them). (W. Va. VI 27.)

Of What

Financial and other transactions. (Mich. X 18.)

Receipts. (Fla. IV 27.)

Receipts, itemized. (Minn. IX 12; S.C. IV 14, X 12.)

Moneys received. (N.M. V 9.)

Moneys received from all sources. (Colo. IV 16; Ida. IV 17; Ill. V 20; Mont. VII 19; Nebr. V 21; Tex. IV 24; W.Va. VII 17.)

Choses in action received from all sources. (Tex. IV 24.)

Expenditures of office. (Fla. IV 27.)

Disbursements, itemized. (Minn. IX 12; S.C. IV 14, X 12.)

Moneys disbursed. (Colo. IV 16; Ida. IV 17; Mont. VII 19.)

Moneys disbursed from all sources. (Ill. V 20; Nebr. V 21; W.Va. VII 17.)

Moneys disbursed or otherwise disposed of from all sources. (Mo. V 22; Okla. VI 33; Tex. IV 24.)

Choses in action disbursed or otherwise disposed of from all sources. (Mo. V 22; Okla. VI 33; Tex. IV 24.)

Services performed. (Colo. IV 16; Ida. IV 17; Ill. V 20; Mont. VII 19; Mo. V 22; Nebr. V 21; Okla. VI 33; Tex. IV 24; W.Va. VII 17.)

Requirements of office. (Fla. IV 27.)

Of Fees, *See below, this title,* FEES AND EMOLUMENTS.

Of Public Property, *See* PUBLIC PROPERTY.

Audit of Accounts, and Accounting Systems, *See* STATE FINANCES — ACCOUNTS.

Reports

See also below, this title, REPORTS.

To Whom

Governor. (Colo. IV 16; Ida. IV 17; Ill. V 20; Mont. VII 19; Mo. V 22; Nebr. V 21; N.M. V 9; Okla. VI 33; S.C. IV 14; Tex. IV 24; W.Va. VII 17.)

Governor; transmitted to legislature by governor at beginning of each regular session. (Fla. IV 27.)

Competent state authority prescribed by law. (Mich. X 18.)

Frequency

Semi-annually. (Colo. IV 16; Ida. IV 17; Ill. V 20; Mo. V 22; Mont. VII 19; Nebr. V 21; Tex. IV 24; W.Va. VII 17.)

Semi-annually and as often as required by governor. (Okla. VI 33.)

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PUBLIC OFFICERS (*Cont'd*)
ACCOUNTS (*Cont'd*)
Reports (*Cont'd*)
Frequency (*Cont'd*)
Annually and at such other times as governor may require. (N.M. V 9.)
When required by governor. (S.C. IV 14.)
At beginning of each regular session or whenever required by governor. (Fla. IV 27.)
Oaths
Required. (Colo. IV 16; Ida. IV 17; Mont. VII 19; N.M. V 9; Okla. VI 33.)
Required; making false report to be perjury. (Ill. V 20; Mo. V 22; Nebr. V 21.)
Required; person making false report to be guilty of perjury and removed from office. (Tex. IV 24.)
Oath or affirmation; making false report to be perjury. (W.Va. VII 17.)
APPOINTMENT
As to whether officers are to be appointed or elected, See below, this title, SELECTION.
For list of particular officers or classes of officers whose appointment by governor, with or without confirmation, is authorized or directed, See GOVERNOR.
Examinations for, *See* CIVIL SERVICE.
As Prescribed by Law
If not provided for in constitution. (Mo. XIV 9.)
By Governor
If not otherwise provided for by law or constitution, by governor, and in his absence by lieutenant-governor. (Vt. II 20.)
Officers whose salaries, fees and emoluments are $500 or less (if he is authorized by constitution or law to appoint). (Del. III 9.)
No appointment to be made by governor during last week of term. (N.J. V 3.)
By Governor with Consent of Senate
Officers whose appointment or election not otherwise provided for. (Ida. IV 6; Mont. VII 7; N.M. V 5.)
Same; senate may sit with closed doors when deliberating on nominations, but in acting thereon to sit with open doors; vote taken by yeas and nays and entered on journals. (Colo. IV 6.)
State officers whose election or appointment not otherwise provided for. (Utah VII 10.)
Such officers as may be provided by law. (Minn. V 4.)
Officers established by constitution and whose appointment or election not otherwise provided for in constitution; failure to send to senate name of person appointed to be equivalent to rejection; person rejected not to be appointed to same office during recess of senate. (La. 71, 72.)
Officers whose appointment not otherwise provided for by law;

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PUBLIC OFFICERS (*Cont'd*)

APPOINTMENT (*Cont'd*)

By Governor With Consent of Senate (*Cont'd*)

no appointment or nomination to be made by governor during last week of term; if person nominated for office of trust or profit under government of state is not confirmed before recess, ineligible for appointment to such office during such recess. (N.J. V 3, 12, VII Sec. II 9.)

Civil and military officers of the state, whose appointment or election not otherwise provided for by constitution, unless law creating office provides other method; civil officers to be nominated to senate within fifty days from beginning of regular session; after rejection by senate person not to be nominated for same office at same session unless at request of senate, or be appointed to same office during recess of legislature. (Md. II 10, 12, 13.)

Person rejected by senate not to be reappointed by governor to same office during same session or recess thereafter. (No provision in constitution expressly requiring confirmation of appointments.) (Ga. V Sec. I 15.)

By Governor with Consent of Senators-Elect

Officers established by constitution, where appointment not otherwise provided for. (N.C. III 10.)

By Governor with Consent of Majority of All Members Elected to Senate

Officers whom he is authorized by constitution or law to appoint, but confirmation not needed in case of officers whose salaries, fees and emoluments are $500 or less. (Del. III 9.)

Officers whose appointment or election not otherwise herein provided for; yeas and nays required; after rejection by senate, person not to be nominated for same office at same session unless by request of senate, nor appointed to same office during recess of legislature. (Ill. V 10, 11; Nebr. V 10, 11.)

Same; except during recess of "senate" instead of "legislature". (W.Va. VII 8, 9.)

By Governor with Consent of Two-Thirds of All Members of Senate

Officers whom governor authorized by constitution or law to appoint; in acting on nomination, senate to sit with open doors and vote to be taken by yeas and nays and entered on journal. (Pa. IV 8.)

By Governor with Consent of Council

Civil and military officers whose appointment is not otherwise provided for by constitution or law; nomination to be made at least seven days before appointment. (Me. V Pt. I 8.)

Governor and council to have negative on each other in such nominations and appointments as they are authorized to make; signature by governor and council necessary; each nomination and appointment to be signed by governor and council and every negative to be signed by "governor or council who made the same". (N.H. II 46.)

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PUBLIC OFFICERS (*Cont'd*)
APPOINTMENT (*Cont'd*)
By Legislature, *See* LEGISLATURE — ELECTIONS BY.
By Court
Legislature not to confer on court or judge power of appointment, except as provided in constitution. (W.Va. VI 40.)
ASSISTANTS, *See below, this title,* DEPUTIES AND ASSISTANTS.
BONDS
Sureties of state officers to be residents of and have sufficient property within state not exempt from sale under execution, attachment or other process of court to make good their bonds, but any surety, bonding or guarantee company organized for purpose of doing surety or bonding business and authorized to do business in state may become surety on bonds of state officers under regulations prescribed by law. (Ark. XIX 21.)
Sureties of state officers to be residents of and have sufficient visible property unincumbered within state, and not exempt from sale under legal process, to make good their bonds; but duly organized and responsible guarantee or surety company, either foreign or domestic, lawfully doing business in the state, may be surety. (Fla. XVI 13.)
Legislature to have no power to relieve principals or securities upon forfeited recognizance from payment, either before or after judgment, unless principal is apprehended and in custody of proper officers. (Ga. III Sec. VII 19.)
Legislature to provide by general law what officers shall give bond, and fix "liability therein", and for relief or discharge of sureties. (Ky. 224, 238.)
House of delegates may direct suit on for breach. (Md. III 24.)
Officers and other persons charged with safe-keeping, transfer and disbursement of state and school funds or any part thereof to be required to give ample security for all money and funds received. (Minn. IX 12.)
Legislature to fix amount of penalty and may, as far as practicable, provide that whole or part of security required shall be made by guarantee company or companies. (Miss. IV 82.)
Officers charged with safe-keeping, transfer and disbursement of state, county and school funds, to give such security as legislature may provide. (S.C. X 12.)
State officers whose duty it is to collect fees, to be responsible therefore under bond. (Utah XXI 2; Wyo. XIV 2.)
State officers and their deputies, assistants or employees, charged with collection, custody, handling or disbursement of public funds, to give bond for faithful performance of duties; amount of such bond and manner of furnishing security specified and regulated by law. (Va. V 85.)
To be made payable to state. (W.Va. II 8.)
Officers and sureties not to be released from debt or liability due state. (W.Va. VI 38.)
Of state officers, governor shall for causes and in manner pre-

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PUBLIC OFFICERS (*Cont'd*)

BONDS (*Cont'd*)

scribed by law, require reasonable additional security; if not given, office to be declared vacant in manner provided by law. (W.Va. VII 13.)

Tax assessor or collector, sureties not to be relieved from liability by local or special law. (Ky. 59; La. 48; Mo. IV 53; Okla. V 46; Tex. III 56.)

BRIBERY

See also below, this title, CORRUPT SOLICITATION.

As disqualification for voting, See ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

As disqualification to hold office, See below, this title, QUALIFICATIONS AND DISQUALIFICATIONS.

To secure election or appointment (other than for resulting disqualification to hold office), See ELECTIONS.

Of members of legislature, See LEGISLATURE — MEMBERS.

Bribery of Officer

Any person who offers or promises bribe to an officer, if it shall be received, to be deemed guilty of felony and liable to punishment; if bribe rejected, guilty of attempt to bribe, which is declared to be felony. (N.Y. XIII 3.)

Legislature to provide by law for punishment by imprisonment in penitentiary, of person bribing or attempting to bribe executive or judicial officer of state in order to influence him in performance of official or public duties. (W.Va. VI 45.)

Legislature to provide by law for punishment by fine or imprisonment in penitentiary, or both, in discretion of court, of person bribing or attempting to bribe executive or judicial officer of state or to influence him in performance of official duty. (Md. III 50.)

Any person who offers, gives or promises any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer to influence him in performance of any public or official duty, to be guilty of bribery and punished as prescribed by law. (Ala. IV 80; Ark. V 35; Colo. V 41; Mont. V 42; Pa. III 30; Tex. XVI 41; Wyo. III 43.)

Any person who offers, gives or promises any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer of state to influence him in performance of any public or official duty to be guilty of bribery and punished as prescribed by law. (Del. II 22.)

Any person who "shall give, demand, offer", any money, testimonial, privilege or personal advantage, or thing of value, to executive or judicial officer to influence him in performance of any official or public duty, to be guilty of bribery and punished as prescribed by law. (S.D. III 28.)

Any person who offers or gives any sum or sums of money, bribe, present, reward, promise or any other thing to any state officer with intent to induce such officer to appoint any person to

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PUBLIC OFFICERS (*Cont'd*)

BRIBERY (*Cont'd*)

Bribery of Officer (*Cont'd*)

office, to vote, or exercise any power in him vested, or perform any duty, shall be guilty of bribery and punished as prescribed by law. (La. 183.)

Bribery by Officer

Any executive or judicial officer who receives or consents to receive any money or thing of value, testimonial, privilege or personal advantage to influence his action in performance or nonperformance of public or official duty, to be guilty of felony and punished accordingly. (Ark. V 35.)

Legislature to provide by law for punishment by fine or imprisonment in penitentiary, or both, in discretion of court, of executive or judicial officer of state who demands or receives any bribe, fee, reward or testimonial for performance of official duties or for neglecting or failing to perform them. (Md. III 50.)

Legislature to provide by law for punishment by imprisonment in penitentiary of executive or judicial officer of state who demands or receives from any corporation, company or person, any money, testimonial or other valuable thing for performance of official or public duties, or for refusing or failing to perform same. (W.Va. VI 45.)

State officer receiving money, bribe, present, reward, promise, contract, obligation or security from person offering or giving it with intent to induce or influence such officer to appoint any person to office, to vote or exercise any power in him vested, or to perform any duty, shall be guilty of bribery and punished as prescribed by law. (La. 183.)

Any officer under laws of state who, except in payment of his legal salary, fees or perquisites, receives or consents to receive any thing of value or personal advantage, or promise thereof, for performing or omitting to perform official act, or with expressed or implied understanding that his official action or omission to act is to be influenced thereby, to be deemed guilty of felony (this provision not to affect validity of existing statute in relation to offense of bribery). (N.Y. XIII 2.)

Civil officer who solicits, demands, receives or consents to receive for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage or promise thereof, for his vote or official influence or action, or for withholding the same, or with understanding that his official influence or action shall be influenced thereby; or who solicits or demands any such money or advantage, matter or thing for another as consideration of vote, official influence or action, or withholding the same, or who gives or withholds his vote, official influence or action in consideration

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PUBLIC OFFICERS (*Cont'd*)

BRIBERY (*Cont'd*)

Bribery by Officer (*Cont'd*)

of demand or promise of such money, advantage, matter or thing to another, to be held guilty of bribery or solicitation of bribery within the meaning of constitution and shall incur disabilities provided thereby and such additional punishment as may be prescribed by law. (Colo. XII 6.)

Executive or judicial officer who solicits, demands, receives or consents to receive for himself or for another, from any company, corporation or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage, or promise thereof for vote or official influence, or for withholding same, or with understanding that his vote or official action shall be influenced thereby; or who solicits, demands and receives any such money or advantage, matter or thing for another as consideration of vote or official influence, in consideration of payment or promise of such money, advantage, matter or thing to another, to be held guilty of bribery within the meaning of constitution, and to incur disabilities provided, with forfeiture of office and such other additional punishment as prescribed by law. (Tex. XVI 41.)

Prosecution

Grand juries, legislature to require judges to charge specially. (Ala. IV 81.)

Expenses of prosecution to be charge against state and payment by state shall be provided for by law. (N.Y. XIII 6.)

Testimony

Testimony may be compelled, with immunity from prosecution, except for perjury. (La. 184; Pa. III 32; Wash. II 30; Wyo. III 44.)

Testimony may be compelled, with immunity from prosecution, except for "bribery in giving such testimony". (S.D. III 28.)

Testimony of person having knowledge may be compelled, with immunity from prosecution. (Ariz. II 19.)

Testimony of person offering bribe may be compelled in prosecution of officers, with immunity from prosecution. (N.Y. XIII 3.)

Testimony of guilty party against another with immunity from prosecution, legislature to provide for compelling. (Md. III 50; W.Va. VI 45.)

Testimony in own behalf in any civil or criminal prosecution is permitted to any person charged with receiving or offering or promising a bribe. (N.Y. XIII 4.)

CIVIL SERVICE, *See* CIVIL SERVICE.

COMMISSIONS TO

To express tenure of office. (N.H. II 72.)

Issued by governor in case of officers of state. (S.C. IV 17.)

Issued by governor in case of civil officers elected or appointed pursuant to constitution. (N.J. VII Sec. II 10.)

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PUBLIC OFFICERS (*Cont'd*)
COMMISSIONS TO (*Cont'd*)
Issued by governor in case of officers not otherwise provided for by law. (Mo. V 23; Okla. VI 13.)
Issued by governor, and in his absence by lieutenant-governor, in case of officers not otherwise provided for by law or constitution. (Vt. II 20.)
Issued in name of state. (W.Va. II 8.)
Issued in name of state, sealed with state seal and signed by governor. (Del. III 12; Md. IV 13; Pa. IV 22; Tenn. III 16.)
Issued in name of state, attested by governor with state seal annexed. (Va. V 75.)
Issued in name of state, sealed with state seal, signed by governor and countersigned by secretary of state. (Ala. V 135; Cal. V 14; Fla. IV 14; Ida. IV 16; Iowa IV 21; Kan. I 9; La. 83; Mich. VI 12; Mont. VII 18; Nev. V 16; N.J. VIII 3, V 6; N.C. III 16; Ohio III 13; S.C. IV 19; Utah VII 21.)
Issued in name of state, sealed with state seal, signed by governor and attested by secretary of state. (Ariz. V 12; Ark. VI 10; Conn. IV 11; Ind. XV 6; Me. IX 3; Mass. Pt. II Ch. VI 4; Miss. V 127; Mo. V 23; N.H. II 85; N.M. V 11; Okla. VI 13; Ore. V 18; R.I. VII 8; Tex. IV 20; Vt. II 22; Wash. III 15.)
COMPENSATION
Amount
Fixed by Law
To be fixed by law. (Miss. IV 103; R.I. Amend. XI 1.)
To be fixed by law if not by constitution. (Ohio II 20; Ore. XIII 1; Tex. III 44.)
Legislature to prescribe by general law, for public officers and agents, if not provided for in constitution. (W.Va. IV 8.)
To be fixed by law, in case of state officers. (Utah VII 20.)
To be fixed by law, in case of state officers whose salary is not fixed by constitution. (Fla. III 27; N.Y. X 9.)
Legislature may fix and regulate wages or salaries of employees of state. (N.Y. XII 1.)
Salary to be fixed by law, in case of officers of executive department, except where fixed in constitution. (Va. V 83.)
Salary of officers in state and of clerks and employees of different departments of state to be fixed by law. (Ark. XVI 4.)
Compensation of state officers (except as provided in constitution) and of clerks and assistants to be as prescribed by law. (Okla. Sched. 17.)
Legislature to fix amount of salaries not fixed by constitution which must be in proportion to value of services rendered and duty performed. (Wyo. XIV 1.)
Maximum Amount, See below, this subdivision, INCREASE OR DECREASE.

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PUBLIC OFFICERS (*Cont'd*)

COMPENSATION (*Cont'd*)

Amount (*Cont'd*)

Increase or Decrease, See below, this subdivision, INCREASE OR DECREASE.

Private, Local or Special Laws

Salary not to be affected by local or special law. (Cal. IV 25.)

Salaries, local or special law in relation to, prohibited, but laws may grade compensation in proportion to population and services required. (Ind. IV 22.)

Salary not to be created by local, private or special law. (Miss. IV 90.)

Salary not to be, or authorized to be, created, during term for which elected or appointed, by local, private or special law. (Va. IV 63.)

As to extra compensation, *See below, this subdivision,* EXTRA.

As to increase or decrease, *See below, this subdivision,* INCREASE OR DECREASE.

In relation to fees, *See below, this title,* FEES AND EMOLUMENTS.

In Case Duties Taken Away

When duties pertaining to office taken away by legislature salary to cease. (Miss. IV 108.)

Of Deceased Officers

Legislature not to authorize payment of salary beyond date of death. (Ala. IV 97; Miss. IV 92; S.C. III 32.)

Expenses

See also below, this title, FEES AND EMOLUMENTS.

Legislature not to increase expenses of any office by appointing assistant officials. (La. 54.)

No officer or department of government to receive any amount from treasury for contingencies or for contingent fund. (La. 56.)

No allowance for incidental expenses of state officers except by general appropriation, and on account specifying each item. (Nebr. III 22.)

Legislature may provide for actual and necessary expenses of state officers while traveling in state in performance of official duty. (Utah VII 20.)

Extra

See also below, this title, FEES AND EMOLUMENTS.

In General

Prohibited if salary fixed by constitution. (N.Y. X 9.)

Legislature, common council of city, or board of supervisors not to grant to public officer, servant or agent. (N.Y. III 28.)

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PUBLIC OFFICERS (*Cont'd*)
COMPENSATION (*Cont'd*)
Extra (*Cont'd*)
In General (*Cont'd*)
Legislature, county, city, borough, town or school district not to pay or grant to public officer, employee, agent or servant. (Conn. Amend. XXIV.)
Legislature not to grant from treasury of state or authorize to be granted from treasury of political subdivision, by local, private or special law, to public officer, servant or agent. (Va. IV 63.)
No greater salary or fee than that fixed by law to be paid to any officer, employee or other person or at any rate other than par value. (Ark. XVI 4.)
After Services Rendered
Not to be granted or allowed to public officer, agent or servant. (W.Va. VI 38.)
Prohibited to officer or public agent, unless allowed by two-thirds of members elected to each branch of legislature. (Iowa III 31; Ohio II 29.)
Prohibited to officer, agent or employee unless allowed by bill passed by two-thirds of members elected to each branch of legislature. (Ark. V 27; Fla. XVI 11.)
Legislature not to grant to public officer, agent or servant. (Ariz. IV Pt. II 17; Nebr. III 16; N.M. IV 27; Wash. II 25; Wis. IV 26.)
Legislature not to grant to public officer, agent or employee. (S.D. XII 3.)
Legislature not to grant to public officer, servant, agent or employee. (Colo. V 28; Mont. V 29; Pa. III 11; Wyo. III 30.)
Legislature not to grant or allow to public officer, agent or servant. (Md. III 35.)
Legislature not to grant or authorize to public officer or agent. (Ga. VII Sec. XVI 2.)
Legislature or municipal authority not to grant or authorize to public officer, agent or employee. (Mich. XVI 3.)
Compensation, fees or allowance legislature not to grant to public officer, agent or servant. (Miss. IV 96; S.C. III 30.)
Compensation, fee or allowance, legislature not to grant or authorize to public officer, agent or servant. (Ill. IV 19.)
Compensation, fee or allowance, legislature not to grant or authorize county or municipal authority to grant to public officers, servants or agents. (Mo. IV 48; Tex. III 44, 53; Utah VI 30.)
Compensation or allowance, legislature not to grant or authorize county or municipal authority to grant, to public officer, agent or servant. (Cal. IV 32.)

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PUBLIC OFFICERS (*Cont'd*)

COMPENSATION (*Cont'd*)

Extra (*Cont'd*)

After Services Rendered (*Cont'd*)

Compensation, fee or allowance, legislature or county or municipal authority not to grant, nor shall legislature authorize or require county or municipal authority to grant, to public officer, servant, employee or agent. (Ala. IV 68.)

To Contractor, See PUBLIC CONTRACTS.

Fees and Emoluments, *See below, this title,* FEES AND EMOLUMENTS.

Increase or Decrease

In General

Compensation fixed in constitution may be increased or diminished by law. (Nev. XV 9.)

Salary not to be increased or decreased by local, private or special law. (Miss. IV 90.)

Salary of officers or employees not to be increased in general appropriation bill. (Ala. IV 71.)

Salary of officer or employee of state not to be increased in general appropriation bill. (Okla. V 56.)

Bill for increase not to be introduced after tenth day prior to expiration of session, except by unanimous consent of house. (N.M. IV 19.)

When office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profit ought to be lessened by legislature. (Vt. II 57.)

Of Fees or Emoluments, See below, this title, FEES AND EMOLUMENTS.

Extra Compensation

See above, this subdivision, EXTRA.

See below, this title, FEES AND EMOLUMENTS.

After Election or Appointment

Salary not to be increased or decreased after election or appointment. (Colo. V 30; Mont. V 31; Pa. III 13; Wyo. III 32.)

Salary not to be changed after election or appointment, unless by law passed prior to election or appointment. (Okla. XXIII 10.)

Salaries of officers, except circuit judges, not to be increased and salaries of officers not to be decreased after election or appointment. (Mich. XVI 3.)

Salary not to be diminished after election or appointment. (Del. XV 4.)

During Term of Office

Prohibited. (Ariz. IV 17; Md. III 35; Nebr. III 16; N.M. IV 27; S.D. XII 3; Wash. II 25; Wis. IV 26.)

Compensation not to be increased or decreased during term of office; not applicable to allowances to officers for feeding, guarding or transferring prisoners. (Ala. IV 68.)

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PUBLIC OFFICERS (*Cont'd*)
COMPENSATION (*Cont'd*)
Increase or Decrease (*Cont'd*)
During Term of Office (*Cont'd*)
Salary not to be increased or decreased during term of office. (W.Va. VI 38.)
Salary not to be changed during term of office unless by law passed prior to election or appointment. (Okla. XXIII 10.)
Compensation of state officer not to be increased during term. (Mo. XIV 8.)
During Term for Which Elected or Appointed
Prohibited during term for which elected. (Ky. 235.)
Prohibited during term for which elected, in case of state officers. (Wash. III 25.)
Prohibited during term for which elected or appointed, in case of civil office of profit under state. (Ala. XVII 281.)
Prohibited during term for which elected or appointed in case of state officers named in constitution whose salary is not fixed by constitution. (N.Y. X 9.)
Salary of officers of executive department not to be increased or decreased during term for which elected or appointed. (Va. V 83.)
Salary not to be, or authorized to be, increased or decreased during term for which elected or appointed, by local, private or special law. (Va. IV 63.)
Affecting Compensation During Continuance in Office
Legislature or municipality not to increase compensation to take effect during continuance in office of person whose salary might be increased thereby. (Conn. Amend. XXIV.)
Affecting Compensation During Term
Change of compensation not to affect salary during term, unless office abolished. (Ohio II 20.)
Increase or decrease prohibited to extent that it affects salary of state officer during term, unless vacancy occurs, in which case successor to receive only salary provided by law at time of election or appointment. (Utah VII 20.)
Affecting Compensation During Term for Which Elected
Compensation fixed in constitution may be increased or diminished by law, but not applicable to officer during term for which elected. (Nev. XV 9.)
Deductions for Neglect of Duty
Legislature to regulate by law in what cases and what deductions from salaries shall be made. (Ark. XIX 8.)
Legislature to regulate by general law in what cases and what deductions shall be made. (Ky. 235.)
Legislature to regulate by law in what cases and what deductions from salaries and compensation shall be made. (Ala. IV 87.)

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PUBLIC OFFICERS (*Cont'd*)

COMPENSATION (*Cont'd*)

Increase or Decrease (*Cont'd*)

Deductions for Neglect of Duty (*Cont'd*)

Legislature may reduce salaries. (Kan. XV 7.)

From salaries, legislature to provide for. (Fla. XVI 18; Miss. IV 78; Tex. XVI 10.)

Maximum Compensation

Officers of state not to receive for salary, fees and perquisites more than $5,000 net profits per annum in par funds and all sums in excess of this amount to be paid into state treasury as provided by law. (Ark. XIX 23.)

Limited (except governor) to $5,000, exclusive of legally authorized deputies and assistants, whose compensation shall be fixed and provided by law; legislature to provide penalties for violation, one of which shall be forfeiture of office. (Ky. 246.)

Limited to $3,000 in case of holder of office created by or existing under constitution or laws of state, except where otherwise provided in constitution. (Md. XV 1.)

Payment

Quarterly for state officers. (Utah VII 20.)

Salaries payable quarterly on his own requisition. (Fla. XVI 3.)

Auditor to draw warrants quarterly for payment of salaries of all officers under constitution whose compensation is not otherwise provided for. Paid out of funds not otherwise appropriated. (Nebr. XVI 25.)

No salary or fee to be paid at any other rate than par value. (Ark. XVI 4.)

Appropriation for officer or employee not to be made in general appropriation bill unless employment and amount of salary have already been provided for by law. (Ala. IV 71.)

Appropriation for salary of officer or employee of state not to be made in general appropriation bill unless employment and amount of salary already provided for by law. (Okla. V 56.)

Laws making appropriations for salaries to contain provisions on no other subject. (Fla. III 30; Ore. IX 7.)

Bills making appropriations for salaries of officers of government not to contain provision on other subject. (W.Va. VI 42.)

Of Retired Officers, *See* PENSIONS.

Right to

Officer has right to reasonable compensation if called into public service to prejudice of private affairs. (Vt. II 57.)

No man or set of men entitled to exclusive public emolument from community. (Conn. I 1.)

Same; adds "but in consideration of public services". (Ky. 3; N.C. I 7; Tex. I 3; Va. I 4.)

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PUBLIC OFFICERS (*Cont'd*)

CONSOLIDATION OF OFFICES

Whenever practical, legislature may, and whenever it can be done without detriment to public service, shall consolidate offices and when so consolidated, duties of additional office to be performed under an *ex officio* title. (Wyo. XIV 6.)

CONTINGENT FUND

No officer or department of government to receive any amount from treasury for contingencies or for contingent fund. (La. 56.)

CORRUPT SOLICITATION

See also above, this title, BRIBERY.

Of public officers of state and occupation or practice of solicitation of such persons to influence their official action, to be defined by law and to be punishable by fine or imprisonment. (Colo. V 42; Mont. V 43; Pa. III 31; Wash. II 30; Wyo. III 45.)

Of public officers of state and occupation or practice of solicitation of such persons to influence their official action to be defined by law and punished by fine and imprisonment in penitentiary. (Ala. IV 81.)

Of public officers of state and any effort toward solicitation of such officers to influence their official action, to be defined by law and punished by fine or imprisonment. (S.D. III 28.)

Testimony may be compelled, with immunity from prosecution, except for perjury. (Pa. III 32; Wash. II 30; Wyo. III 44.)

Testimony may be compelled with immunity from prosecution except for "bribery in giving such testimony". (S.D. III 28.)

Conviction as disqualification for office, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

CRITICISM OF

See FREEDOM OF SPEECH AND PUBLICATION.

See LIBEL AND SLANDER.

DEFINITION

"An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished." (Ill. V 24.)

DEPUTIES AND ASSISTANTS

Appointment of deputies not to be authorized by local or special law. (Ky. 59.)

Legislature not to increase expenses of any office by appointing assistant officials. (La. 54.)

Salaries of clerks and employees of different departments of state to be fixed by law. (Ark. XVI 4.)

Compensation of legally authorized deputies and assistants to be fixed and provided by law. (Ky. 246.)

Compensation of clerks and assistants to be as prescribed by law. (Okla. Sched. 17.)

DISQUALIFICATIONS, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

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PUBLIC OFFICERS (*Cont'd*)

DUAL OFFICE HOLDING

See also DISTRIBUTION OF POWERS.

For ineligibility to legislature, and prohibition of member of legislature holding other office, See LEGISLATURE; *for ineligibility of particular officers or classes of officers, See the specific title.*

In General

Legislature may declare what offices incompatible. (Pa. XII 2; Wyo. VI Elec. 7.)

No person to hold at same time more than one lucrative office; but offices in militia not having salary not deemed lucrative, and counties of under 1,000 polls may confer office of clerk, recorder and auditor, or any two, on same person. (Ind. II 9.)

No person to hold or exercise at same time more than one office of trust or profit, except that of justice of the peace or notary public. (La. 170.)

No person to hold more than one lucrative office at same time except as in constitution expressly permitted; but officers in militia to which no annual salary attached, and office of postmaster where compensation not over $100 not to be deemed lucrative. (Ore. II 10.)

No person to hold two offices of honor or profit at same time (not applicable to officers in militia or notaries public). (S.C. II 2.)

No person in state to hold more than one lucrative office at same time (not applicable to appointment in militia or to office of justice of peace). (Tenn. II 26.)

No person to hold at same time more than one civil office of emolument, except that of justice of peace, county commissioner, notary public and postmaster, unless otherwise provided in constitution. (Tex. XVI 40.)

Office in This State

See also above, this subdivision, IN GENERAL.

Prohibited in case of offices of profit under this state except justices of the peace, constables, notaries public and commissioners of deeds. (Ala. XVII 280.)

No person to hold or perform duties of more than one office in same department of government at same time except as expressly provided by constitution, but militia officers, officers of public schools and notaries may be elected to fill any executive or judicial office. (Ark. XIX 6, 26.)

No person to hold at same time more than one of following offices: secretary of state, attorney-general, insurance commissioner, state treasurer, auditor of accounts, prothonotary, clerk of the peace, register of wills, recorder, sheriff or coroner. (Del. III 11.)

No person to hold or perform functions of more than one office under government of this state at same time (but notaries

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PUBLIC OFFICERS (*Cont'd*)
DUAL OFFICE HOLDING (*Cont'd*)
Office in This State (*Cont'd*)
public, militia officers, county school officers and commissioners of deeds may be elected to fill any legislative, executive or judicial officer). (Fla. XVI 15.)
No person (except notary public and officers of militia) at same time to be state officer or a deputy officer, and an officer or employee of municipality. (Ky. 165.)
No person to hold at same time more than one of following offices: justice of highest court or any inferior court, attorney-general, county attorney, treasurer, adjutant-general, judge of probate, register of probate, register of deeds, sheriffs or deputies, clerks of courts. (Me. IX 2.)
No person to hold at same time more than one office of profit created by constitution or laws of this state. (Md. D. R. 35.)
No person to hold at same time within this state more than one of the following offices: judge of probate, sheriff, register of probate, register of deeds, or more than two offices by appointment of governor, or governor and council, or senate, or lower house, or by election of people of state or of county (except military offices and office of justice of the peace). (Mass. Pt. II Ch. VI 2.)
Acceptance of office in either of legislative, executive or judicial departments "shall of itself and at once" vacate office held by person so accepting in either of other departments. (Miss. I 2.)
In cities or counties of over 200,000 no person to hold state and municipal office; not applicable to notaries public, justices of the peace or militia officers. (Mo. IX 18.)
Officers of executive department ineligible to other state office during period for which elected. (Nebr. V 2.)
No person to exercise at same time more than one of the following offices within the state: judge of probate, sheriff, register of deeds, or more than two offices of profit held by appointment of governor, or governor and council, or legislature, or superior or inferior courts (military offices and offices of justices of peace excepted). (N.H. II 93.)
Person holding office or place of trust or profit under state not to hold office or place of trust or profit under authority of state (not applicable to officers in militia, justices of the peace, commissioners of public charities or commissioners for special purposes). (N.C. XIV 7.)
Salary or compensation not payable to officer or agent holding at the same time office or position of honor, trust or profit under this state, except as prescribed in constitution. (Tex. XVI 33.)
No person to hold at same time more than one of following offices: governor, lieutenant-governor, justice of highest court, treasurer, member of legislature, surveyor-general or sheriff. (Vt. II 50.)

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PUBLIC OFFICERS (*Cont'd*)

DUAL OFFICE HOLDING (*Cont'd*)

Office in This State (*Cont'd*)

No person to exercise at same time powers of more than one of legislative, executive and judicial departments, but justices of the peace are eligible to legislature. (W.Va. V 1.)

United States Office

See also above, this subdivision, IN GENERAL.

Person holding office of profit under United States, except postmasters whose salaries not over $200, ineligible to office of profit under this state. (Ala. XVII 280.)

Person holding lucrative office under United States (except officers in militia without annual salary, local officers, or postmasters whose salaries not over $500) ineligible to civil office of profit under this state. (Cal. IV 20.)

Member of congress or person holding office under United States, except "officers usually appointed" by courts "respectively" and attorneys, ineligible to "office of profit under this state", except judges *ad litem*. (Del. III 11, IV 18.)

Person holding office under government of United States not to hold office of honor or profit under government of this state. (Fla. XVI 15.)

Person holding office of honor or profit under government of United States, except postmasters whose salaries not over $300, ineligible to office of honor or profit under authority of this state. (Ill. IV 3.)

Member of congress or person holding office of trust or profit under United States, ineligible to office of trust or profit under constitution or laws. (Ky. 237.)

Member of congress or person holding office of trust or profit under United States ineligible to office of trust or profit under state. (La. 164.)

Person holding office of honor or profit either in his own right or as deputy, or otherwise acting for or in name or by authority of another, under government of United States, not to hold office of honor or profit under laws or authority of state, except notaries, commissioners of deeds and United States commissioners. (Miss. XIV 266.)

Person holding office of profit under United States not to hold at same time office of profit under this state. (Mo. XIV 4.)

Person holding lucrative office under government of United States (except postmasters whose compensation not over $500 and commissioners of deeds) ineligible to civil office of profit under state. (Nev. IV 9.)

Person holding office or place of trust or profit under United States or any department thereof not to hold office or place of trust or profit under authority of state (not applicable to officers in militia, justices of the peace, commissioners of public charities or commissioners for special purposes). (N.C. XIV 7.)

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PUBLIC OFFICERS (*Cont'd*)
DUAL OFFICE HOLDING (*Cont'd*)
United States Office (*Cont'd*)
Member of congress from state or person holding office of profit or trust under laws of United States not to hold office of trust or profit under laws of this state. (Okla. II 12.)
Member of congress from this state or person holding office or appointment of trust or profit under United States ineligible to office in state to which salary, fees or perquisites are attached. (Pa. XII 2.)
Person holding office under government of United States not to act as "general" officer unless at time of taking oath he has resigned such office. (R.I. IX 6.)
Member of congress, or person holding office of profit or trust under United States ineligible to office of profit or trust under this state. (Tex. XVI 12.)
Salary or compensation not payable to officer or agent holding at same time office or position of honor, trust or profit under United States, except as provided in constitution. (Tex. XVI 33.)
Person holding office under United States government not to hold office under state government. (Utah VII 23.)
Person holding office of profit or trust under authority of congress ineligible to executive office under this state. (Vt. II 50.)
Member of congress or person holding office of profit or trust under United States (postmasters excepted) ineligible to office of trust, profit or honor in this state. (Wis. XIII 3.)
Member of congress from this state or person holding office or appointment of trust or profit under United States ineligible to office in state to which salary, fees or perquisites are attached. (Wyo. VI Elections 7.)
Office Outside State
See also above, this subdivision, IN GENERAL.
Person holding lucrative office under any power (except officers in the militia without annual salary, local officers, or postmasters whose compensation not over $500) ineligible to civil office of profit under this state. (Cal. IV 20.)
Person holding office under the state not to accept office or title from any king, prince or foreign state. (Del. I 19.)
Person holding office under any foreign government or under any other state not to hold office of honor or profit under government of this state. (Fla. XVI 15.)
Person holding office of honor or profit under any foreign government ineligible to office of honor or profit under authority of this state. (Ill. IV 3.)
Person holding office of trust or profit under any state or foreign power, ineligible to office of trust or profit under constitution or laws. (Ky. 237.)
Person holding office of trust or profit under any state or foreign power ineligible to office of trust or profit under state. (La. 164.)

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PUBLIC OFFICERS (*Cont'd*)

DUAL OFFICE HOLDING (*Cont'd*)

Office Outside State (*Cont'd*)

Person holding office of honor or profit either in his own right or as deputy, or otherwise acting for or in the name or by the authority of another, under foreign government, not to hold office of honor or profit under laws or authority of state, except notaries, commissioners of deeds and United States commissioners. (Miss. XIV 266.)

Person holding lucrative office under government of any other power (except postmasters whose compensation not over $500 and commissioners of deeds) ineligible to civil office of profit under state. (Nev. IV 9.)

Person holding office or place of trust or profit under other state or government not to hold office or place of trust or profit under authority of state (not applicable to officers in militia, justices of the peace, commissioners of public charities or commissioners for special purposes). (N.C. XIV 7.)

Person holding office of trust or profit under laws of other state not to hold office of trust or profit under laws of this state. (Okla. II 12.)

Person holding office under government of any other state or country not to act as "general" officer unless at time of taking oath he has resigned such office. If "general" officer accepts appointment under any other government his office under state to be vacated. (Not applicable to persons appointed to take depositions or acknowledgment of deeds or other legal instruments by authority of any other state or country.) (R.I. IX 6.)

Person holding office of profit or trust under other state or foreign power ineligible to office of profit or trust under this state. (Tex. XVI 12.)

Person holding office of profit or trust under any foreign power ineligible to office of trust, honor or profit in this state. (Wis. XIII 3.)

ELECTION

As to whether elected or appointed, if method not prescribed in constitution, See below, this title, SELECTION.

For list of officers elected by the legislature, See LEGISLATURE.

As to a particular officer or class of officers, See the specific title.

As to elections generally, See ELECTIONS.

For a list of officers appointed by governor, See GOVERNOR.

EMPLOYMENT

Legislature not to employ any one in name of state, unless authorized by pre-existing law. (Tex. III 44.)

ESTABLISHMENT OF OFFICES

See also below, this title, SELECTION.

Appointments, *See above, this title,* APPOINTMENT.

Election, *See* ELECTIONS.

Legislature to have no power to create permanent state office not expressly provided for by constitution. (Ark. XIX 9.)

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PUBLIC OFFICERS (*Cont'd*)

ESTABLISHMENT OF OFFICES (*Cont'd*)

No executive state office (other than governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney-general, commissioner of public lands and buildings, which are provided for in constitution) to be continued or created, and duties of other existing officers to be performed by above. (Nebr. V 1, 26.)

Legislature may provide for such state officers (other than secretary of state, auditor, treasurer and superintendent of public instruction, who are provided for in constitution) as are deemed necessary. (Wyo. IV 11.)

No bill creating or establishing a new office to be passed except by vote of majority of all members elected to each house by yeas and nays and names of members entered on journal. (Va. IV 50.)

Bill for creation of lucrative office not to be introduced after tenth day prior to expiration of session, except by unanimous consent of the house. (N.M. IV 19.)

Number of clerks and employees of different departments of state to be fixed by law. (Ark. XVI 4.)

For inspection, weighing, etc., *See* INSPECTION.

EXPENSES, *See above, this title,* COMPENSATION.

FEES AND EMOLUMENTS

See also above, this title, COMPENSATION.

Prohibition on Receiving

See also above, this title, COMPENSATION—EXTRA.

State officers (except notaries public) to be paid fixed and definite salaries and not to receive fees for their own use. (Ariz. XXII 17.)

Officer whose salary fixed by constitution not to be allowed fees or perquisites of office except as otherwise provided in constitution. (La. 180.)

Compensation, fees, allowance, or emoluments other than salary prohibited in case of officers of state. (N.M. XX 9.)

Fees, perquisites or compensation other than salary, not to be received to own use by state officer named in constitution whose salary is not fixed by constitution. (N.Y. X 9.)

State officers not to receive fee as counsel, agent or attorney in prosecution of claim against state. (Ore. XV 7.)

State officers to receive compensation fixed by law, in full for all services rendered in official capacity or employment during term of office; state officers not to receive fees for performance of official duties; all state officers (except notaries public, boards of arbitration, court commissioners) to be paid fixed and definite salaries. (Utah VII 20, XXI 1.)

Wilful receipt of greater fees than law allows to disqualify from holding office in state, until restored by law. (Vt. II 57.)

State officers except notaries public, boards of arbitration and court commissioners, to be paid fixed and definite salaries. (Wyo. XIV 1.)

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PUBLIC OFFICERS (*Cont'd*)

FEES AND EMOLUMENTS (*Cont'd*)

Regulation by Law

Fees of officers in state to be fixed by legislature, and no greater salary or fee than that fixed by law to be paid to any officer, employee or other person or at any rate other than par value. (Ark. XVI 4.)

Legislature by uniform law to regulate fees of state officers so as to reduce to reasonable compensation for services actually rendered; counties may be classified by population into not more than three classes. (Ill. X 12.)

Legislature to provide what fees shall be collected by officers within state. (Utah XXI 2.)

Fees, costs and charges not to be regulated by law not applicable to all counties in state. (Miss. IV 91.)

Fees, commissions or allowances not to be regulated by law not applicable to all counties (this provision not applicable to Jefferson county). (Ala. IV 96, Amend. of 1912.)

Fees not to be affected by local or special law. (Cal. IV 25.)

Fees of state officers not to be regulated by local or special law. (Fla. III 20.)

Local or special law in relation to fees prohibited but laws may grade compensation in proportion to population and services required. (Ind. IV 22.)

Creation by Special Law

See also above, this subdivision, REGULATION BY LAW.

Fees or emoluments not to be created by private, local or special law. (Miss. IV 90.)

Fees, percentages or allowances not to be created by private, local or special law. (Ala. IV 104; Colo. V 25; Ky. 59; Mont. V 26; N.M. IV 24; N.D. II 69; Wyo. III 27.)

Percentage or allowance not to be created during term for which elected or appointed, by private, local or special law. (N.J. IV Sec. VII 11.)

Fees, percentages or allowances not to be created during term for which elected or appointed, by private, local or special law. (Ida. III 19; Ill. IV 22; Nebr. III 15; S.D. III 23; Utah VI 26.)

Same; unless bill or amendment reported by commissioners to revise statutes. (N.Y. III 18, 23.)

Fees, percentages or allowances not to be, or authorized to be, created during term for which elected or appointed, by private, local or special law. (Va. IV 63.)

Maximum Amount of Fees and Compensation, *See above, this title,* COMPENSATION — INCREASE OR DECREASE.

Expenses, *See above, this title,* COMPENSATION.

Extra Compensation or Allowance, *See above, this title,* COMPENSATION.

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PUBLIC OFFICERS (*Cont'd*)
FEES AND EMOLUMENTS (*Cont'd*)
Giving Receipt for
Officer not to receive fees without giving receipt, if required, specifying every item and charge. (Del. XV 2.)
Time for Collection
Of fees, percentages or allowances not to be extended by local or special law. (Ky. 59.)
Increase or Decrease
In General
Fees, percentages or allowances not to be increased or decreased by private, local or special law. (Ala. IV 104; Colo. V 25; Ky. 59; Mont. V 26; N.M. IV 24; N.D. II 69; Wyo. III 27.)
Fees or emoluments not to be increased or decreased by local, private or special law. (Miss. IV 90.)
After Election or Appointment
Emoluments not to be increased or decreased after election or appointment. (Colo. V 30; Mont. V 31; Pa. III 13; Wyo. III 32.)
Emoluments not to be changed after election or appointment unless by law passed prior to election or appointment. (Okla. XXIII 10.)
Emoluments not to be diminished after election or appointment. (Del. XV 4.)
During Term of Office
Legislature not to increase or decrease fees during term of office (not applicable to allowances for feeding, guarding or transferring prisoners). (Ala. IV 68.)
Increase of fees of state officers prohibited during term. (Mo. XIV 8.)
Emoluments not to be changed during term of office, unless by law passed prior to election or appointment. (Okla. XXIII 10.)
During Term for Which Elected or Appointed
Fees not to be increased or decreased during term for which elected or appointed, in case of civil office of profit under state. (Ala. XVII 281.)
Percentage or allowance not to be increased or decreased during term for which elected or appointed, by local, private or special law. (N.J. IV Sec. VII 11.)
Fees, percentages or allowances not to be increased or decreased during term for which elected or appointed, by local, private or special law. (Ida. III 19; Ill. IV 22; Nebr. III 15; S.D. III 23; Utah VI 26.)
Same; unless bill or amendment reported by commissioners to revise statutes. (N.Y. III 18, 23.)
Fees, percentages or allowances not to be, or authorized to be, increased or decreased during term for which elected or appointed, by local, private or special law. (Va. IV 63.)

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PUBLIC OFFICERS (*Cont'd*)

FEES AND EMOLUMENTS (*Cont'd*)

Accounting for

See also above, this title, ACCOUNTS.

Officers of state not to receive for salary, fees and perquisites more than $5,000 net profits per annum in par funds, and all sums in excess of this amount to be paid into state treasury as prescribed by law. (Ark. XIX 23.)

Every person elected or appointed to office in state, paid in whole or in part by fees, to be required by law to make semi-annual report under oath to officer designated by law, of all fees and emoluments. (Ill. X 13.)

Holders of office created by or existing under constitution or laws of state (except justices of the peace, constables and coroners), or persons holding appointment under any court of state, whose pay or compensation is derived from fees or money coming into their hands for discharge of official duties, or connected with office, shall keep book in which shall be entered every sum of money received as payment or compensation for performance of official duties; copy of such entries verified by oath of officer to be returned yearly to comptroller for his inspection and that of legislature, to which comptroller shall at each regular session make reports showing what officers have complied with this provision; when amounts received by any officer for the year exceed sum fixed by law as salary or compensation, and for expenses, he shall annually pay to treasurer. such excess, subject to such disposition as legislature may direct; if officer fails to comply for thirty days after expiration of each year of his office, governor shall declare office vacant and vacancy to be filled as in other cases of vacancy, and officer to be subject to suit by state. (Md. XV 1.)

Fees payable by law for services performed by officer of executive department to be paid into treasury in advance. (Nebr. V 24.)

Fees fixed by law for performance of official duty by state officer to be collected in advance and deposited quarterly with treasurer to credit of state; state officers required by law to keep account of all fees collected and pay same into treasury, and officer whose duty it is to collect the fees to be responsible therefore under his bond. (Utah VII 20, XXI 2.)

State officers to be required by law to keep account of fees collected and to pay them into treasury when collected and to be responsible under bond for neglect to collect. (Wyo. XIV 2.)

FINES, PENALTIES OR JUDGMENTS AGAINST

Not to be remitted by law. (N.M. IV 25.)

FREE PASSES, ETC.

Railroad or other transportation company or corporation not to grant free pass or sell tickets or passes at a discount other than as sold to public generally, to member of legislature or any officer exercising judicial functions under laws of state; and if

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PUBLIC OFFICERS (*Cont'd*)

FREE PASSES, ETC. (*Cont'd*)

such member or officer receives pass or ticket for himself or procures it for another, to be guilty of misdemeanor and fined not over $500 and, at discretion of court, imprisoned not exceeding six months and, on conviction, subject to impeachment and removal from office; courts to charge grand juries specially and when evidence sufficient to authorize indictment grand jury must present true bill; court in county through which member or officer transported by use of prohibited pass or ticket to have jurisdiction of case, but only one prosecution for same offense; but successive prosecutions may be had for different uses of same pass or tickets (not to prevent member of legislature who is bona fide employee at time of election from accepting or procuring for himself or another not member of legislature or officer exercising judicial functions, a free pass over railroads or other transportation company or corporation by which he is employed). (Ala. XII 244.)

Unlawful for person holding public office in state to accept or use pass or purchase transportation from railroad or other corporation other than as may be purchased by general public. Not applicable to members of national guard traveling under orders. (Ariz. IV Pt. II 23.)

Legislature to prevent by law granting of free passes by railroad or transportation company to legislative, executive or judicial officer of state. (Ark. XVII 7.)

No railroad or other transportation company to grant free passes or passes or tickets at discount to person holding office of honor, trust or profit in state, and acceptance of such pass or ticket by member of legislature or public officer, other than railroad commissioner, shall work forfeiture of office. (Cal. XII 19.)

Transportation company or common carrier not to grant free pass or discount fare paid by public generally to member of legislature or salaried officer of state, and legislature to enforce by suitable penalties. (Fla. XVI 31.)

No railroad, steamboat or other common carrier, under penalty fixed by law, to give free pass or sell tickets at reduced rates not common to public, to state officer or member of legislature or judge, and any such person accepting or using free pass, etc., to forfeit office. (Ky. 197.)

No member of legislature or public officer to ask, demand, accept, receive or consent to receive for own use or benefit, or for use or benefit of another any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates from any person, or make use of same for himself or in conjunction with another. Violation forfeits office at suit of attorney-general or district attorney and to be subject to further penalty prescribed by law; penalties on corporation or officer for giving; testimony may be compelled, with immunity from civil or criminal prosecution. (La. 191.)

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PUBLIC OFFICERS (*Cont'd*)

FREE PASSES, ETC. (*Cont'd*)

No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at discount, to members of legislature or members of board of equalization, or any state officer; acceptance to be forfeiture of office. (Mo. XII 24.)

No transportation company to grant free passes or tickets or pass or tickets at discount, to members of legislature or any state officers, except railroad commissioners. (Miss. VII 188.)

Governor, member of state board of equalization, or of corporation commission, judge of highest or district court, district attorney, during term of office not to accept, hold or use free pass or purchase, receive or accept transportation over railroad within state, for himself or family on terms not open to general public, and person convicted of violation to forfeit office, be guilty of felony and on conviction punished by fine of not more than $1,000 or by imprisonment in penitentiary not less than one or more than five years. (N.M. XX 14.)

No public officer or person elected or appointed to public office under laws of state shall ask, demand, accept, receive or consent to receive for use or benefit of himself or of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, or make use of same himself or in conjunction with another; violation to be misdemeanor and office forfeited at suit of attorney-general. Corporation or its agent offering or promising such pass, etc., to be guilty of misdemeanor and liable to punishment; testimony of person giving pass, etc., may be compelled with immunity from prosecution. (N.Y. XIII 5.)

Oath of office of member of legislature and of judicial, state and county officers to contain promise not to receive, use or travel on free pass or free transportation during term of office. (Okla. XV 1.)

No transportation or transmission company doing business in state to grant to member of legislature or to state officer (except to members and officers of state corporation commission for personal use while in office) any frank, free pass, free transportation or rebate or reduction in rates charged to general public for like services. Offending company punished by law and member of legislature or officer who, while in office, accepts any gift, privilege or benefit prohibited, shall forfeit office and be subject to other penalties prescribed by law. (Va. XII 161.)

Person holding public office in state not to accept or use pass or purchase transportation from corporation except as may be purchased by general public. (Wash. II 39.)

Railroad or transportation company not to grant free passes or sell tickets or passes at a discount other than as sold to public generally, to any member of legislature or person holding public office in state. (Wash. XII 20.)

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PUBLIC OFFICERS (*Cont'd*)

FREE PASSES, ETC. (*Cont'd*)

If incumbent of office or position under constitution or laws (except railroad commissioner and his deputy in discharge of duty) asks or accepts free pass or frank or privilege withheld from any person, for traveling accommodation or transportation of any person or property or transmission of message or communication, his office shall become vacant. (Wis. XIII 11.)

HEREDITARY OFFICES

See also HEREDITARY DISTINCTIONS.

No office or place to be hereditary. (N.H. I 9.)

Declared to be absurd and unnatural. (Mass. Pt. I 6.)

Offices of magistrate, legislator or judge ought not to be hereditary. (Va. I 4.)

HOURS OF LABOR, *See* LABOR — PUBLIC WORK.

IMPEACHMENT, *See* IMPEACHMENT.

INVALID ACTS, *See below, this title,* UNAUTHORIZED OR INVALID ACTS.

INVESTIGATION OF

Governor, except during session of legislature, to examine into condition and administration of public offices. (Mich. IX 7.)

Governor, at any time, may appoint committee to investigate and report to him on condition of executive office or state institutions. (Ida. IV 8; Mont. VII 10; Utah VII 5.)

Grand jury in each county at least once a year to investigate official acts of officers having charge of public funds, and report in writing to court. (Mo. XIV 11.)

Orders, votes and resolutions of both houses relating to, not to require signature of governor. (Miss. IV 60.)

LIABILITIES TO STATE

See also below, this title, MISCONDUCT IN OFFICE.

On bond, *See above, this title,* BONDS.

No public officer to be released from debt or liability due state. (W.Va. VI 38.)

Fines, penalties or judgments against, not to be remitted by law. (N.M. IV 25.)

LIBEL OF, *See* LIBEL AND SLANDER.

MISCONDUCT IN OFFICE

Bribery, *See above, this title,* BRIBERY.

Corrupt Solicitation, *See above, this title,* CORRUPT SOLICITATION.

Deductions from Salary for, *See above, this title,* COMPENSATION.

As Disqualification, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

Impeachment for, *See Impeachment.*

Lobbying

State officer, during term of office, not to accept any fee, money, office, appointment, employment, reward of thing of value. personal advantage or promise thereof to lobby for or against measure pending before legislature, or to give or withhold his influence to secure passage or defeat of any such measure. (Ala. IV 101.)

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PUBLIC OFFICERS (*Cont'd*)

MISCONDUCT IN OFFICE (*Cont'd*)

Prohibition of Legalizing Invalid Acts, *See below, this title,* UNAUTHORIZED AND INVALID ACTS.

Public Moneys, Misuse of

Duty of governor to suspend alleged defaulting state and county treasurers and defaulting tax collectors pending investigation of accounts and to make temporary appointments to fill offices during investigations. Legislature to provide for enforcement of this provision. (Miss. V 125.)

When governor notified by affidavit that officer having custody of public or trust funds is probably guilty of embezzlement, he shall direct immediate prosecution by proper officers and on indictment governor shall suspend him and appoint successor until acquitted by jury. In case of conviction office to be declared vacant and vacancy filled as provided by law. (S.C. IV 22.)

Legislature may provide for suspension of public officials charged with collection of public money when they fail to account. (La. 182.)

Breaches of trust and duty by custodians of public funds, legislature to provide for investigation, and for suspension from office on reasonable cause shown and for appointment of temporary incumbents. (Tex. IV 25.)

Legislature to provide for punishment of embezzlement or defalcation of public moneys as a felony. (Cal. IV 21; Nev. IV 10.)

Legislature to pass laws for making embezzlement of public money a felony; punishment by fine and imprisonment proportioned in amount to deficiency or embezzlement. (S.C. X 12.)

If officer or person charged with safe-keeping, transfer or disbursement of state and school funds or any part thereof, converts to his own use or loans with or without interest, or deposits in his own name, or otherwise than in the name of the state, or deposits in banks or with any person, or exchanges for other funds or property, any portion of such funds, except in manner prescribed by law, to be guilty of embezzlement and of a felony, and failure to pay over, produce or account for said school funds or any part thereof entrusted to him, as by law required on demand, to be *prima facie* evidence of embezzlement. (Minn. IX 12.)

Prohibition of imprisonment for debt arising out of or founded on breach of contract, not to apply to cases of moneys collected by public officers. (Mich. II 20.)

Public Moneys, Making Profit Out of

Making of profit out of public moneys or using same for purposes not authorized by law to be felony and punished as provided by law. (Mont. XII 14; Utah XIII 8.)

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PUBLIC OFFICERS (*Cont'd*)
MISCONDUCT IN OFFICE (*Cont'd*)
Public Moneys, Making Profit Out of (*Cont'd*)
Making of profit out of public money or using same for purposes not authorized by law by officer of state to be punished as provided by law. (Ark. XVI 3; Pa. IX 14.)
Making of profit out of public moneys or using same for purpose not authorized by law, by public officer, to be felony and punished as prescribed by law. (N.M. VIII 4, 1914.)
Making of profit out of public money, or using it for purpose not authorized by law, by officers having possession or control of it, to be felony and prosecuted and punished as provided by law. (Cal. XI 17; Wash. XI 14.)
Making of profit out of state, county, city, town or school district money or using the same for purposes not authorized by law by public officer to be felony and punished as provided by law. (Colo. X 13; Ida. VII 10; S.D. XI 11.)
Making of profit out of state, county, city, town or school district money or other public fund or using the same for purposes not authorized by law by public officer to be felony and punished as provided by law. (Wyo. XV 8.)
Receiving by officer of state of interest, profit or perquisite from use or loan of public funds in hands or moneys to be raised through his agency for state or county purposes, to be felony and punishable as prescribed by law. (Ga. VII Sec. IX 1.)
Receiving by officer of state of interest, profit or perquisite arising from use or loan of public funds in his hands or moneys to be raised through his agency for state, city, town, district or county purposes, to be felony and punished as prescribed by law. (Ky. 173; Okla. X 11.)
Prosecution for
Civil officers (except governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, surveyor-general, chief justice and assistant justices of supreme court, judges of district court of appeals and judges of superior courts) to be tried for misdemeanor in office as legislature may provide. (Cal. IV 18.)
Civil officers (except governor, judges of the highest court and district courts and other state officers) to be tried for misconduct and malfeasance in office as legislature may provide. (Iowa III 20.)
For wilful neglect of duty or misdemeanor in office liable to presentment or indictment by grand jury; and upon conviction removed from office and otherwise punished as prescribed by law. (Miss. VI 175.)
Incompetency, corruption, malfeasance or delinquency in office may be tried in same manner as criminal offenses and judgment may be of dismissal from office and further punishment as prescribed by law. (Ore. VII 6.)

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PUBLIC OFFICERS (*Cont'd*)

MISCONDUCT IN OFFICE (*Cont'd*)

Prosecution for (*Cont'd*)

Civil officers (other than governor, judges of highest court, judges of inferior courts, chancellors, attorneys for state, treasurer, comptroller and secretary of state) liable to indictment for crimes and misdemeanors in office in such courts as legislature may direct and on conviction shall be removed from office by court as if found guilty of impeachment, and subject to other punishment as prescribed by law. (Tenn. V 5.)

Recall for, *See* RECALL OF PUBLIC OFFICERS.

Removal for, *See below, this title,* REMOVAL.

OATH OF OFFICE

See also below, this title, QUALIFYING OF.

Of Whom Required

All officers. (Ky. 228; La. 161; N.C. VI 7; S.C. III 26; Tex. XVI 1.)

Every person elected or appointed to office. (Iowa XI 5; N.M. XX 1; W.Va. IV 5.)

Officers elected or appointed to office in state except judges and members of legislature (*as to exceptions, See* "LEGISLATURE" *and* "COURTS — JUDGES"). (Miss. XIV 268.)

Every person chosen or appointed to office under state. (Ohio XV 7.)

Every person elected or appointed to office under constitution. (Ind. XV 4; Ore. XV 3.)

Officers made elective or appointive by constitution or laws in pursuance thereof. (Utah IV 10.)

Every person chosen or appointed to office of trust or profit under constitution or law made in pursuance thereof. (Tenn. X 1.)

Every person elected or appointed to office in state except inferior offices exempted by law. (S. D. XXI 3.)

Persons elected or appointed to places or offices provided in constitution, and persons elected, appointed or commissioned to office under state. (Me. IX 1.)

State officers. (Kan. II 7; Okla. XV 1; Pa. VII 1; Wyo. VI Elections 8.)

Officers of state. (Fla. XVI 2.)

Executive officers. (Ala. XVI 279; Conn. X 1; Nebr. XIV 1; Va. II 34.)

Executive officers, except inferior officers exempted by law. (Cal. XX 3; Del. XIV; N.Y. XIII 1; Wis. IV 28.)

Executive officers, except such as may be exempted by law. (Mich. XVI 2.)

Executive officers in authority under state, except such as may be exempted by legislature. (Vt. II 52.)

Executive and ministerial officers. (Mont. XIX 1; Nev. XV 2 1914.)

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PUBLIC OFFICERS (*Cont'd*)

OATH OF OFFICE (*Cont'd*)

Of Whom Required (*Cont'd*)

Civil officers, except members of legislature and such inferior officers as may be exempted by law. (*As to members of legislature, See* "LEGISLATURE". (Colo. XII 8; Ill. V 25.)

Civil and military officers. (Ark. XIX 20.)

Civil and military officers under authority of state. (Mo. XIV 6.)

Officers created by Art. V (governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, state librarian, notaries public). (Minn. V 8.)

In Massachusetts, governor, lieutenant-governor, councillors, members of legislature and persons "appointed or commissioned" to any office under government, to take oath to perform duties (Pt. II Ch. VI 1); and every person "chosen or appointed" to civil or military office under government, to take oath of allegiance to state and to support constitution of state (Amend. VI); but legislature may prescribe forms of oaths and affirmations for civil and military officers of the state (Pt. II Ch. I Sec. I 4).

In New Hampshire, governor, councillors, members of legislature and military or civil officers, except town officers, to take oath of allegiance to state and oath to support constitution of state and to perform duties of office (II 83); but legislature may prescribe forms of oaths and affirmations for civil and military officers of state (II 5).

In Rhode Island, "general" officers to take oath of allegiance to state and to perform duties faithfully (IX 3); and they as well as all civil and military officers to take oath to support constitution of state and of United States (IX 4).

Contents

Support constitution of United States and of state. (Ala. XVI 279; Ark. XIX 20; Cal. XX 3; Colo. XII 8; Conn. X 1; Del. XIV; Fla. XVI 2; Ill. V 25; Ind. XV 4; Iowa XI 5; Kan. II 7; Ky. 228; La. 161; Me. IX 1; Md. I 6; Mich. XVI 2; Minn. V 8; Miss. XIV 268; Mo. XIV 6; Mont. XIX 1; Nebr. XIV 1; Nev. XV 2 (1914); N.M. XX 1; N.Y. XIII 1; N.C. VI 7; Ohio XV 7; Okla. XV 1; Ore. XV 3; Pa. VII 1; R.I. IX 4; S.C. III 26; S.D. XXI 3; Tenn. X 1; Tex. XVI 1; Utah IV 10; Vt. II 52; Va. II 34; W.Va. IV 5; Wis. IV 28; Wyo. VI Elections 8.)

Support constitution of state. (Mass. Amend. VI; N.H. II 83.)

Allegiance to state. (Ky. 228; Md. I 6; Mass. Amend. VI; Nev. XV 2 (1914); N.H. II 83; Vt. II 52.)

Allegiance to state (for "general" officers). (R.I. IX 3.)

Support laws of state. (Fla. XVI 2; La. 161; Md. I 6; Miss. XIV 268; Nev. XV 2 (1914); N.M. XX 1; N.C. VI 7.)

Support laws of United States. (Fla. XVI 2; La. 161; Miss. XIV 268; Nev. XV 2 (1914); N.C. VI 7.)

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PUBLIC OFFICERS (*Cont'd*)
OATH OF OFFICE (*Cont'd*)
Contents (*Cont'd*)

Qualified to hold office. (Fla. XVI 2; Miss. XIV 268; S.C. III 26.)

Perform duties faithfully. (Ala. XVI 279; Ark. XIX 20; Cal. XX 3; Colo. XII 8; Conn. X 1; Del. XIV; Fla. XVI 2; Ill. V 25; Ind. XV 4; Iowa XI 5; Kan. II 7; Ky. 228; La. 161; Me. IX 1; Md. I 6; Mass. Pt. II Ch. VI 1; Mich. XVI 2; Minn. V 8; Miss. XIV 268; Mo. XIV 6; Mont. XIX 1; Nebr. XIV 1; Nev. XV 2 (1914); N.H. II 83; N.M. XX 1; N.Y. XIII 1; N.C. VI 7; Ohio XV 7; Okla. XV 1; Ore. XVI 3; Pa. VII 1; S.C. III 26; S.D. XXI 3; Tenn. X 1; Tex. XVI 1; Utah IV 10; Vt. II 52; Va. II 34; W.Va. IV 5; Wis. IV 28; Wyo. VI Elections 8.)

Perform duties faithfully (for "general" officers). (R.I. IX 3.)

Have not bribed to secure office. (Mont. XIX 1; Nebr. XIV 1; Okla. XV 1; Pa. VII 1; Tex. XVI 1; Wyo. VI Elections 8.)

Have not bribed to secure office (for elective officers). (Del. XIV; N.Y. XIII 1.)

Will not receive bribe. (Mont. XIX 1; Nebr. XIV 1; Okla. XV 1; Pa. VII 1; Wyo. VI Elections 8.)

Have not violated election laws. (Mont. XIX 1; Okla. XV 1; Pa. VII 1; Wyo. VI Elections 8.)

Have not engaged in dueling. (S.C. III 26; Tex. XVI 1.)

Have not engaged in dueling, unless pardoned after five years. (Ky. 228, 240.)

Will not engage in dueling. (S.C. III 26.)

Will not receive free pass. (Okla. XV 1.)

In Massachusetts, governor, lieutenant-governor, councillors, members of legislature, and persons "appointed or commissioned" to any office under government, to take oath to perform duties (Pt. II Ch. VI 1); and every person "chosen or appointed" to civil or military office under government, to take oath of allegiance to state and to support constitution of state (Amend. VI); but legislature may prescribe forms of oaths and affirmations for civil and military officers of the state. (Pt. II Ch. I Sec. I 4.)

In New Hampshire, governor, councillors, members of legislature and military or civil officers, except town officers, to take oath of allegiance to state and oath to support constitution of state and to perform duties of office (II 83); but legislature may prescribe forms of oaths and affirmations for civil and military officers of state (II 5).

In Rhode Island, "general" officers to take oath of allegiance to state and to perform duties faithfully (IX 3); and they as well as all civil and military officers to take oath to support constitution of state and of United States (IX 4).

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PUBLIC OFFICERS (*Cont'd*)
OATH OF OFFICE (*Cont'd*)
Affirmation Allowed
Generally allowed, except as listed below. (*For citations, See under preceding subhead* "CONTENTS").
Must "take oath". (Tenn. X 1.)
For Quakers. (Mass. Pt. II Ch. VI 1, Amend. 6.)
For Quakers and "persons scrupulous of swearing". (N.H. II 83.)
Exclusiveness of Oath Prescribed by Constitution
Legislature not to prescribe any other than one prescribed in constitution. (Md. D.R. 37.)
No other to be required than one prescribed in constitution. (Ill. V 25; W.Va. IV 5.)
No other than one prescribed in constitution to be required for any office or trust. (Mont. XIX 1.)
No other than one prescribed in constitution to be required for any office or public trust. (Cal. XX 3; Mich. XVI 2; N.D. XVII 211.)
No other than one prescribed in constitution to be required for any office of public trust. (Del. XIV; N.Y. XIII 1.)
No other than oath of allegiance and of office prescribed in constitution to be required of governor, lieutenant-governor, councillor or member of legislature. (Mass. Amend. VII.)
No political test other than oath to support constitution of United States and of state to be required for office or public trust under state. (Tenn. I 4.)
Administration
By person authorized to administer oaths. (Ala. XVI 279; Okla. XV 2; Pa. VII 1; Wyo. VI Elections 9.)
By any judge or justice of the peace until legislature otherwise directs. (Wis. XIV 15.)
To officers (except governor, councillors and members of legislature) in manner prescribed by law. (Me. IX 1.)
To officers (except governor and members of legislature) in manner prescribed by law. (N.H. II 84.)
To officers (except governor, lieutenant-governor, councillors and members of legislature) in manner prescribed by law. (Mass. Pt. II Ch. VI 1.)
Officer elected or appointed in pursuance of the provisions of constitution may qualify according to existing provisions of law in relation to officers under present constitution or before governor or before any clerk of court of record. (Md. XV 10.)
Filing
Filed by officers of executive department in office of secretary of state. (Colo. XII 9.)
Filed by state officers and judges of highest court in office of secretary of state and by other judicial and county officers in office of clerk of county in which taken. (Okla. XV 2; Pa. VII 1; Wyo. VII Elections 9.)

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PUBLIC OFFICERS (*Cont'd*)

OATH OF OFFICE (*Cont'd*)

Filing (*Cont'd*)

Filed with county clerk of county in which elected, except in case of officers of executive department and judges of highest and district courts and district attorneys. (Colo. XII 9.)

If officer qualifies out of county in which he resides, official copy of oath to be filed and recorded in clerk's office of circuit court of county of residence or in clerk's office of superior court of Baltimore if he resides there. (Md. XV 10.)

Failure to Take

Forfeits office. (Md. I 7; Nebr. XIV 1; Okla. XV 2; Pa. VII 1; Wyo. VI Elections 9.)

Effect of Falsity or Violation

False oath or violation of oath to be perjury, and on conviction to disqualify from holding office of trust or profit in state. (Okla. XV 2; Pa. VII 1; Wyo. VI Elections 9.)

False swearing or violation forfeits office and disqualifies from holding office of profit or trust in state unless restored to civil rights. (Nebr. XIV 1.)

Conviction of violation of, disqualifies for holding "office of profit or trust in this state". (Md. I 7.)

Recall for violation of, *See* RECALL OF PUBLIC OFFICERS.

PASSES, *See above, this title,* FREE PASSES, ETC.

PENSIONS, *See* PENSIONS.

POWERS AND DUTIES

To be defined by law. (Miss. IV 103.)

Legislature to prescribe by general law, for public officers and agents, if not provided for in constitution. (W.Va. IV 8.)

Legislature to fix powers and duties of all state officers not otherwise provided for by constitution. (Fla. III 27.)

Of civil and military officers of state, legislature to prescribe. (Mass. Pt. II Ch. I Sec. I 4; N.H. II 5.)

Officers provided by law and constitution in whom executive authority of state vested to perform duties designated in constitution or prescribed by law. (Okla. VI 1.)

Civil officers to be conservators of the peace and be vested with ample power as such by law. (Miss. VI 167.)

Jurisdiction and duties of any class of officers, except municipal officers, not to be regulated by local or special laws. (Fla. III 20.)

No person to be exempted, relieved or discharged by special law from duties or services imposed by general law. (Tex. XVI 43.)

No person to be exempted from civil duty by local, private or special law. (Ala. IV 104; Miss. IV 90:)

Person elected or appointed to office or employment of trust or profit under laws of state, to give personal attention to duties of office. (Okla. II 11.)

Prohibition of legalizing invalid acts, *See below, this title,* UNAUTHORIZED OR INVALID ACTS.

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PUBLIC OFFICERS (*Cont'd*)

POWERS AND DUTIES (*Cont'd*)

Nonperformance of duties as disqualifications, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PERFORMANCE OF DUTIES.

PRESENTS

"Person in public trust" not to receive from foreign prince or state, or from United States or any state, without consent of this state. (Md. D.R. 35.)

PUBLIC CONTRACTS, INTEREST IN, *See* PUBLIC CONTRACTS.

QUALIFICATIONS AND DISQUALIFICATIONS

Accounting for Public Moneys

See also below, this subdivision, PUBLIC MONEYS, MISUSE AS DISQUALIFICATION.

Collector or holder of public money or assistant or deputy ineligible to office of trust or profit until he has accounted for all sums. (Ark. V 8.)

Person convicted of embezzlement or defalcation of public funds of United States or of any state or of any county, or municipality therein, ineligible to office of honor, trust or profit under this state. (Cal. IV 21.)

Collector or receiver of public money or his deputy or assistant ineligible to office of trust or profit in the state under the laws thereof until he has accounted for all sums. (Colo. XII 3.)

Holder of public money contrary to law, ineligible to office in state until he has accounted for all sums. (Ga. II Sec. IV 1.)

Collector or holder of public moneys ineligible to office of profit or trust in state unless he has accounted for all sums. (Ill. IV 4; Iowa III 23.)

Collector or holder of public moneys ineligible to office of trust or profit until he has accounted for all sums. (Ind. II 10; Ore. II 11.)

Collector of taxes or person entrusted with public money ineligible to office of honor, trust or profit under state government until he has obtained discharge. (La. 182.)

Collector, receiver or holder of public money ineligible to office of profit or trust under this state until he has accounted for all sums. (Md. III 12.)

Collector, receiver or holder or public money, or his assistant or deputy, ineligible to office of trust or profit in state under laws thereof until he has accounted for all sums. (Mo. II 19.)

Collector, holder or disburser of public moneys ineligible to office of trust or profit under this state until he has accounted for all sums. (Mich. X 19.)

Person liable as principal for public moneys unaccounted for, ineligible to office of profit or trust until he has accounted for all sums. (Miss. IV 43.)

Collector or custodian of public money or property who is in default ineligible to office of trust or profit under constitution or laws. (Nebr. XIV 2.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Accounting for Public Moneys (*Cont'd*)

Collector or holder of public money ineligible to office under state government until he has accounted for all sums. (Tenn. II 25.)

Collector of taxes or holder of public moneys ineligible to office of profit or trust under state government until he obtains discharge. (Tex. III 20.)

Collector or holder of public money ineligible to office of honor, trust or profit in state until he has accounted for all sums. (W.Va. VI 14.)

Defaulter to United States, this state, or county or town therein, or state or territory within United States, ineligible to office of trust, profit or honor in this state. (Wis. XIII 3.)

Anarchistic Doctrines as Disqualification

Person belonging to organization which teaches or advises that laws of state prescribing rules of civil conduct are not supreme law of state, ineligible to civil office. (Ida. VI 3.)

Bribery as Disqualification

See also below, this subdivision, CORRUPT SOLICITATION AS DISQUALIFICATION.

See also below, this subdivision, ELECTIONS, OFFENSES CONCERNING AS DISQUALIFICATION.

Conviction bars from office of trust or profit in state. (Ala. IV 60; Ark. V 8, III 6.)

Conviction of giving or offering bribe to procure election or appointment, to bar from office of profit in this state, and laws to be made to exclude from office persons convicted of bribery. (Cal. XX 10, 11.)

Conviction of bribery or solicitation of bribery bars from office of trust or profit in the state. (Colo. XII 4.)

Conviction bars from office of trust, honor or profit under this state. (Del. II 21.)

Laws to be made to exclude from civil or military office of honor, power, trust or profit in state persons convicted of. (Fla. VI 5.)

Conviction bars from office, or appointment of honor or trust in state, unless pardoned. (Ga. II Sec. II 1.)

Conviction of selling or purchasing vote bars from civil office unless restored to rights of citizenship. (Ida. VI 3.)

Conviction bars from office of trust or profit in state. (Ill. IV 4.)

Person who gives or offers bribe, threat or reward to procure own election, barred from office during term for which elected. (Ind. II 6.)

Person who gives or offers bribe to procure own election disqualified from holding office during term for which elected; person guilty of giving or receiving bribe or offering to give or re-

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Bribery as Disqualification (*Cont'd*)

ceive bribe not to hold office in state until disability removed by law passed by vote of two-thirds of all members of both houses of legislature. (Kan. V 2, 6.)

Conviction of bribery to procure own election (except election of school trustees and other common school district elections) bars from office of trust or profit for term for which elected. (Ky. 150, 155.)

Conviction bars from any office, state, parochial or municipal. (La. 183.)

If any person gives or offers to give bribe, present or reward, or promise, or security, for payment or delivery of money or any other thing to induce voter to refrain from casting vote or prevent him from voting, or to procure a vote; or if any person receives the same he shall, on conviction, be disqualified from holding office of profit or trust; but legislature may remove disqualification from the vote seller so as to place penalties for purchase of votes on vote buyer alone. Person convicted of bribing or attempting to bribe executive or judicial officer of state or member or officer of legislature, or of municipal corporation in state, or executive officer of such corporation, in order to influence him in performance of official duties, and any such officer or member convicted of demanding or receiving bribe, fee or reward, or testimonial for performance of official duties or for neglecting to perform same, disqualified from holding office of trust or profit in state. (Md. I 3, III 50.)

Conviction of bribery or corruption in obtaining election or appointment bars from office of trust or importance under the government of this state. (Mass. Pt. II Ch. VI 2.)

Legislature may exclude from being elected any person convicted of. (Minn. IV 15.)

Conviction bars from office of profit or trust, and conviction of giving or offering bribe to secure office for himself or any other person bars from office of trust or profit under laws of state. (Miss. IV 44.)

Conviction of giving or offering bribe to procure election or appointment, or of receiving bribe to aid in procurement of office for other person, bars from office of profit or trust in state. (Nev. IV 10.)

Conviction bars from office under constitution of state; conviction of bribery or corruption in obtaining election or appointment bars from office of trust or importance under this government. (N.H. I 11, II 95.)

Legislature may exclude from being elected any person convicted of. (Ohio V 4.)

Person who gives or offers bribe, threat or reward to procure own election, barred from office during term for which elected. (Ore. II 7.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Bribery as Disqualification (*Cont'd*)

Conviction bars from office of trust or profit in state; person convicted of offering, giving or promising money or thing of value, testimonial, privilege or personal advantage to executive or judicial officer or member of legislature to influence him in performance of public or official duties, to be disqualified from holding office or position of honor, trust or profit in state; person guilty of bribery while a candidate for office to be disqualified from holding office of profit or trust in state. (Pa. II 7, III 32, VIII 9.)

Conviction of offering or procuring the offer of bribe to secure his election or election of other person to disqualify guilty party from holding any office to which he has been elected. (R.I. IX 2.)

Person who bribes to be elected, ineligible for six years to office for which elected. (Tenn. X 3.)

Conviction of giving or offering bribe to procure election or appointment, to bar from office of profit in this state, and laws to be made to exclude from office persons convicted of bribery. (Tex. XVI 2, 5.)

Person who bribes to be elected, ineligible to serve for ensuing year. (Vt. II 51.)

Conviction to disqualify from position of honor, trust or profit in state. (Wash. II 30.)

Person convicted of bribing or attempting to bribe any executive or judicial officer of state or member of legislature in order to influence him in performance of official or public duties, or any such officers or members convicted of demanding or receiving from corporation, company or association any money, testimonial or other valuable thing for performance of official or public duties or for refusing or failing to perform them, or for giving or withholding vote or influence as member of legislature, to be disqualified from holding office or position of honor, trust or profit in state. (W.Va. VI 45.)

Person convicted of offering or giving or promising any money or thing of value, testimonial, privilege or personal advantage to executive or judicial officer or member of legislature to influence him in performance of official duties, to be disqualified from holding office or position of honor, trust or profit in state. (Wyo. III 43, 44.)

Charitable Institutions, Residence in, as Disqualification

Inmates of charitable institutions, except Soldiers' Home, ineligible to office or appointment of honor, trust or profit in state. (La. 202.)

Citizenship

Chinese or persons of Mongolian descent not born in United States ineligible to civil office. (Ida. VI 3.)

Alien not to be elected or appointed to any civil or military office in this state. (Ill. VII 6; Mo. VIII 12.)

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PUBLIC OFFICERS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Citizenship (*Cont'd*)
No person eligible to state office unless citizen of state. (La. 210.)
No person elected or nominated to civil or military office in state who is not citizen of United States. (Mont. IX 7.)
No person except United States citizen to be eligible to state office. (Wash. III 25.)
No person except citizens eligible to state office. (W.Va. IV 4.)
Corrupt Solicitation as Disqualification
See also above, this subdivision, BRIBERY AS DISQUALIFICATION.
See also below, this subdivision, ELECTIONS, OFFENSES CONCERNING AS DISQUALIFICATION.
Conviction bars from office or position of honor, trust or profit in state. (Pa. III 32; Wyo. III 44.)
Conviction bars from position of honor, trust or profit in state. (Wash. II 30.)
Dual Office Holding, *See above, this title,* DUAL OFFICE HOLDING.
Dueling as Disqualification
Bars from office of trust or profit. (Ind. II 7; Kan. V 5; Ore. II 9.)
Bars from office in state. (Colo. XII 12; Mo. XIV 3; N.C. XIV 2; Ohio XV 5.)
Bars from office of honor or trust in state. (S.C. I 11.)
Bars from office of honor or profit in state. (Pa. XII 3; Tenn. IX 3.)
Bars from office in state for period of 10 years. (Ark. XIX 2.)
Giving or accepting challenge bars from office of honor or profit in state, unless pardoned by governor after five years. (Ky. 239, 240.)
By citizen of state bars from office under constitution. (Miss. III 19.)
By citizen of state bars from office under constitution and laws of state. (Iowa I 5.)
By citizen of state bars from office of profit. (Cal. XX 2.)
By citizen of state bars from office of profit or trust under state unless relieved by legislature. (Md. III 41.)
By citizen of state bars from office of honor, trust or profit. (Nev. XV 3.)
By citizen of state bars from office of honor, trust or profit in state. (W.Va. IV 10.)
Conviction of resident of state bars from office in state unless pardoned. (Ga. II Sec. IV 2.)
By inhabitant of state bars from office under constitution and laws of state. (Wis. XIII 2.)
Laws to be made to exclude from civil or military office of honor, power, trust or profit in state, persons convicted of. (Fla. VI 5.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Educational

Ability to read, write, speak and understand the English language sufficiently well to conduct duties of office without aid of interpreter, required for state officers. (Ariz. XX 8.)

No person eligible to office under constitution of this state who is not able to read the constitution in English and write his name; but this provision not applicable to person physically disabled from complying with it; nor to person "who now has the right to vote"; nor to any person who is sixty years or over at the time amendment takes effect. (Mass. Amend. XX (1857); Me. Amend. XXIX (1893).)

No person eligible to office under constitution of this state who is not able to read the constitution in English, and to write; but this provision not applicable to person physically disabled from complying with it, nor to any person "who now has a right to vote", nor any person who is sixty years or over on January 1, 1904. (N.H. I 11.)

Right of citizen to hold office not to be restricted, abridged or impaired on account of inability to speak, read or write English or Spanish languages, except as otherwise provided in constitution. This provision not to be amended except on vote of people in an election at which at least three-fourths of electors voting in state and at least two-thirds of those voting in each county shall vote for such amendment. (N.M. VII 3.)

Elections, Offenses Concerning, as Disqualification

See also above, this subdivision, BRIBERY AS DISQUALIFICATION.

See also above, this subdivision, CORRUPT SOLICITATION AS DISQUALIFICATION.

Conviction of wilful and corrupt violation of election law of state to disqualify from holding office of trust or profit in state. (Ark. III 6.)

Laws to be made to exclude from civil or military office of honor, power, trust or profit in state persons convicted of bets on elections. (Fla. VI 5.)

Persons giving or causing to be given illegal vote knowing it to be such, shall, on conviction, be disqualified from holding office of profit or trust; but legislature may remove penalty from vote seller so as to place it on vote buyer alone. (Md. I 3.)

Conviction of wilful violation of election laws of state or United States bars from office under constitution of this state. (N.H. I 11.)

Conviction of fraud or wilful violation of election law while candidate for office bars from office of trust or profit in state. (Pa. VIII 9.)

Conviction of crime against elective franchise bars from office in state unless restored to civil rights. (Utah IV 6.)

Legislature may provide that conviction of violation of election laws shall bar from holding office. (Va. II 36.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Electoral

No person except qualified elector to be eligible to office. (Miss. XII 250; Nev. XV 3.)

No person except qualified elector to be eligible to state office. (La. 210; Wash. III 25; W.Va. IV 4.)

No person except qualified elector to be elected or appointed to office in state. (Ohio XV 4; S.C. XVII 1.)

No person except qualified elector to be elected or appointed to office of trust or profit under authority of state. (Ariz. VII 15.)

No person except qualified elector to be elected or appointed to civil or military office in state. (Colo. VII 6; Wyo. VI, Elections 3.)

No person eligible to civil office except office of school committee unless he is qualified elector for such office. (R.I. IX 1.)

No person to be elected to or appointed to fill a vacancy in any office who does not possess qualifications of an elector. (Ark. XIX 3.)

Every qualified elector to be eligible to office. (Conn. VI 4; N.M. VII 2; N.C. VI 7.)

Every person qualified to vote to be eligible to state office. (Va. II 32.)

Every qualified elector to be eligible to any office to be voted for, unless disqualified by age as prescribed in constitution. (S.C. II 2.)

Person qualified to vote eligible to office elected by people in district where he has resided thirty days before election. (Minn. VII 7.)

Any person qualified to vote at general election and for state officers to be eligible to office in state except as otherwise provided in constitution, and subject to additional qualifications prescribed by legislature for offices hereafter created. (Mont. IX 11.)

Exception as to women, *See below, this subdivision*, SEX.

Equality of

"Inhabitants" of state, having qualifications provided by constitution have equal right to be elected for public employments. Person is "inhabitant" in town, district or plantation where he dwells or has his home. (Mass. Pt. I 9, Pt. II Ch. I Sec. II 2.)

Right of office holding not to be withheld from any male citizen of United States by reason of color or previous condition of servitude. (Nev. XVIII 1.)

Inhabitants of state having proper qualifications have equal right to be elected into office; person is "inhabitant" in town, parish and plantation where he dwells and has home. (N.H. I 11, II 29.)

Right of citizens of state to hold office not to be restricted, abridged or impaired on account of race, language or color,

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Equality of (*Cont'd*)

except as otherwise provided in constitution. This provision not to be amended except on vote of people in an election at which at least three-fourths of electors voting in state and at least two-thirds of those voting in each county shall vote for such amendment. (N.M. VII 3.)

Every inhabitant of state possessing qualifications provided for in constitution shall have equal right to be elected to public office. (S.C. I 10.)

Freemen having sufficient, evident, common interest with, and attachment to the community, have a right to be elected into office, agreeably to constitution. (Vt. I 8.)

Felony as Disqualification

Conviction bars from civil office unless restored to rights of citizenship. (Ida. VI 3.)

Person convicted of felony, unless restored to civil rights, not to hold office in state unless disability removed by law passed by vote of two-thirds of all members of both houses of legislature. (Kan. V 2.)

Conviction bars from office unless pardoned by governor. (Ky. 150.)

Conviction bars from office unless restored to civil rights. (Nebr. XIV 2.)

Conviction or confession on indictment pending, whether sentenced or not, or under judgment suspended, since becoming United States citizen, bars from office unless restored to rights of citizenship in manner prescribed by law. (N.C. VI 8.)

Forgery as Disqualification

Conviction bars from office of trust or profit in state. (Ark. V 8.)

Laws to be made to exclude from office persons convicted of. (Cal. XX 11; Tex. XVI 2.)

Fraud as Disqualification

Person guilty of defrauding government of United States or of any state not to hold office in state until disability removed by law passed by vote of two-thirds of all members of both houses of legislature. (Kan. V 2.)

While candidate for office bars from office of trust or profit in state. (Pa. VIII 9.)

Guardianship as Disqualification

Person under guardianship not permitted to hold civil office. (Ida. VI 3.)

Person under guardianship not to hold office in state unless disability removed by law passed by vote of two-thirds of all members of both houses of legislature. (Kan. V 2.)

Interdicted persons ineligible to office or appointment of honor, trust or profit in state. (La. 202.)

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PUBLIC OFFICERS (*Cont'd*).
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
High Crimes as Disqualification
Laws to be made to exclude from office persons convicted of. (Cal. XX II; Tex. XVI 2.)
High Misdemeanor as Disqualification
Conviction of such high misdemeanor as may be prescribed by law bars from office unless pardoned by governor. (Ky. 150.)
Impeachment as Disqualification, *See* IMPEACHMENT — LIMITS OF JUDGMENT.
Imprisonment as Disqualification
Person who at time of election is confined in prison on conviction of criminal offense ineligible to civil office. (Ida. VI 3.)
Persons actually confined in public prison ineligible to office or appointment of honor, trust or profit in state. (La. 202.)
Infamous Crime as Disqualification
See also particular crimes throughout this subdivision.
Conviction bars from office of profit or trust. (Miss. IV 44.)
Conviction bars from office of trust or profit in state. (Ala. IV 60; Ark. V 8; Ill. IV 4; Pa. II 7.)
Conviction bars from office of trust, honor or profit under this state. (Del. II 21.)
Conviction in court of United States bars from office of trust, profit or honor in this state. (Wis. XIII 3.)
Conviction bars from civil office unless restored to rights of citizenship. (Ida. VI 3.)
Conviction or confession on indictment pending, whether sentenced or not, or under judgment suspended, of crime for which punishment may be imprisonment in penitentiary, since becoming United States citizen, bars from office unless restored to rights of citizenship as prescribed by law. (N.C. VI 8.)
Conviction of crime involving moral turpitude punishable by laws of state with imprisonment in penitentiary, bars from office, or appointment of honor or trust in state, unless pardoned. (Ga. II Sec. 1.)
Person convicted of crime punishable by imprisonment in penitentiary and not afterward pardoned with express restoration of franchise, ineligible to office or appointment of honor, trust or profit in state. (La. 202.)
Laws to be made to exclude from civil or military office of honor, power, trust or profit in state persons convicted of. (Fla. VI 5.)
Legislature may exclude from being elected any person convicted of. (Minn. IV 15; Ohio V 4.)
Legislature may render "ineligible" person convicted of. (Ind. II 8.)
Insanity as Disqualification
Person who is idiotic or insane not permitted to hold civil office. (Ida. VI 3.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Insanity as Disqualification (*Cont'd*)

Idiots and insane persons not to hold office, or appointment of honor or trust in state. (Ga. II Sec. II 1.)

Person *non compos mentis* or insane not to hold office in state unless disability removed by law passed by vote of two-thirds of all members of both houses of legislature. (Kan. V 2.)

Persons notoriously insane or idiotic, whether interdicted or not, ineligible to office or appointment of honor, trust or profit in state. (La. 202.)

No idiot or insane person eligible to office in state unless restored to civil rights. (Utah IV 6.)

Interest in Public Contracts, *See* PUBLIC CONTRACTS.

Larceny as Disqualification

Conviction bars from office, or appointment of honor or trust in state, unless pardoned. (Ga. II Sec. II 1.)

Laws to be made to exclude from civil or military office of honor, power, trust or profit in state persons convicted of. (Fla. VI 5.)

Misconduct as Disqualification

For particular crimes, See throughout this subdivision.

Laws to be made to exclude from office persons convicted of malfeasance in office. (Cal. XX 11.)

Conviction of malfeasance in office bars from office, or appointment of honor or trust in state, unless pardoned. (Ga. II Sec. II 1.)

Presiding officer of either house of legislature refusing to sign bill which has passed both houses, ineligible to hold office of honor or profit in the state. (Minn. IV 21.)

Conviction or confession of malpractice or corruption in office on indictment pending, whether sentenced or not, or under judgment suspended, bars from office unless restored to rights of citizenship in manner prescribed by law. (N.C. VI 8.)

If prisoner taken from state, county or municipal officer through his negligence, permission or connivance, by mob, has suffered bodily violence or death, officer on conviction shall, unless pardoned by governor, be ineligible to hold office of trust or profit in state. (S.C. VI 6.)

Taking by officer of greater fees than law allows to disqualify from office in state until he is restored by law. (Vt. II 57.)

Nonperformance of duties as disqualification, *See below, this subdivision,* PERFORMANCE OF DUTIES.

Oath of Office, False or Violated, *See above, this title,* OATH OF OFFICE.

Performance of Duties

See also above, this subdivision, MISCONDUCT AS DISQUALIFICATION.

No person to hold office or employment of trust or profit under laws of state without devoting personal attention to duties. (Colo. XII 2.)

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PUBLIC OFFICERS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Performance of Duties (*Cont'd*)
No person to hold office of trust or profit under laws of state without devoting personal attention to duties. (Fla. XVI 17.)
Person elected or appointed to office or employment of profit under laws of state not to hold such office or employment without personally devoting his time to performance of duties. (Miss. XIV 267.)
Person elected or appointed to office or employment of trust or profit under laws of state not to hold office without personally devoting time to performance of duties. (Mo. II 18.)
Perjury as Disqualification
Conviction bars from office of profit or trust. (Miss. IV 44.)
Conviction bars from office of trust or profit in state. (Ala. IV 60; Ill. IV 4; Pa. II 7.)
Conviction bars from office of trust, honor or profit under state. (Del. II 21.)
Conviction of perjury or subornation of perjury bars from office of trust or profit in the state. (Colo. XII 4.)
Legislature may exclude from being elected any person convicted of. (Minn. IV 15; Ohio V 4.)
Laws to be made to exclude from office persons convicted of. (Cal. XX 11; Tex. XVI 2.)
Laws to be made to exclude from civil or military office of honor, power, trust or profit in state, persons convicted of. (Fla. VI 5.)
Polygamy as Disqualification
Bigamist or polygamist ineligible to civil office. (Ida. VI 3.)
Prior Service in Office as Disqualification
Wherever provided that person not to hold same office more than certain number of years continuously, appointment *pro tempore* not to be reckoned part of term. (Ind. II 11; Ore. II 12.)
Rotation in office in executive departments "is one of the best securities of permanent freedom". (Md. D.R. 34.)
People have right to return officers to private life and fill vacancies. (Mass. Pt. I 8.)
Governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, superintendent of public instruction and commissioner of public lands, after having served two consecutive terms, are ineligible to hold state office for two years thereafter. (N.M. V 1 (1914).)
Officer should "at fixed periods, be reduced to a private station, return into that body" from which originally taken and vacancies be supplied by regular elections in which all or any part of former members to be eligible or ineligible as prescribed by law. (Va. I 5.)
Property
Property qualification not to be required for any person to hold office. (Cal. I 24; Ida. I 20; Utah I 4, IV 7.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Property (*Cont'd*)

Property qualification not to be required for office of public trust. (Kan. B.R. 7.)

Legislature may increase qualifications of persons to be elected as circumstances of state may require. (Mass. Pt. II Ch. VI 3.)

No amount of property shall ever be required as qualification for office of public trust under the state. (Minn. I 17.)

Ought not to affect right to hold office. (N.C. I 22.)

No property qualification, unless prescribed in constitution, necessary for election to or holding any office. (S.C. I 11.)

Public Moneys, Misuse as Disqualification

Accounting for Public Moneys, See above, this subdivision, ACCOUNTING FOR PUBLIC MONEYS.

Making Profit

Public officer making profit out of public moneys or using same for purposes not authorized by law, disqualified to hold public office. (N.M. VIII 4 (1914).)

If public officer makes profit out of public moneys or uses same for any purposes not authorized by law, to be punished as prescribed by law, part of which punishment shall be disqualification to hold office. (Mont. XII 14; Utah XIII 8.)

If officer of state or member or officer of legislature makes a profit out of public moneys or uses the same for purposes not authorized by law, to be punished as prescribed by law, part of which punishment shall be disqualification to hold office in state for five years. (Ark. XVI 3; Pa. IX 14.)

If state or county officer receives interest, profit or perquisite from use or loan of public funds in hands or moneys to be raised through his agency for state or county purposes, to be punished as prescribed by law, part of which punishment shall be disqualification to hold office. (Ga. VII Sec. IX 1.)

If officer of state or of county, city or town, or member or officer of legislature, receives any interest, profit or perquisite arising from use or loan of public funds in his hands or moneys to be raised through his agency for state, city, town, district or county purposes, to be punished as prescribed by law, a part of which punishment shall be disqualification to hold office. (Ky. 173; Okla. X 11.)

Embezzlement of Public Money

Conviction bars from office of trust or profit in state. (Ala. IV 60; Ark. V 8; Colo. XII 4; Nev. IV 10; Pa. II 7.)

Conviction bars from office of trust, honor or profit under this state. (Del. II 21.)

Conviction bars from office, or appointment of honor or trust in state, unless pardoned. (Ga. II Sec. II 1.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Public Moneys, Misuse as Disqualification (*Cont'd*)

Embezzlement of Public Money (*Cont'd*)

Conviction bars from civil office unless restored to rights of citizenship. (Ida. VI 3.)

Conviction bars from office in state. (Ohio II 5.)

Conviction bars from office of honor or emolument in state but legislature by two-thirds vote may remove disability on payment in full of principal and interest of sum embezzled. (S.C. X 12.)

Racial

See also above, this subdivision, CITIZENSHIP.

Indians not taxed who have not severed their tribal relations and adopted habits of civilization ineligible to civil office. (Ida. VI 3.)

Right of office holding not to be withheld from male citizen of United States by reason of color or previous condition of servitude. (Nev. XVIII 1.)

Right of citizens of state to hold office not to be restricted, abridged or impaired on account of race, language or color, except as otherwise provided in constitution. This provision not to be amended except on vote of people in an election at which at least three-fourths of electors voting in state and at least two-thirds of those voting in each county shall vote for such amendment. (N.M. VII 3.)

Religious Test

See also RELIGION.

Not to be required for any office or public trust under state. (Ala. I 3; Del. I 2.)

Not to be required for public office or employment. (Ariz. II 12; Wash. I 11.)

Not to be required for office; but no person who denies being of a God shall hold office in civil departments of state. (Ark. II 26, XIX 1.)

Inhabitant of state not to be prohibited from holding public office or trust on account of his religious opinions. (Ga. I Sec. I 13.)

Not to be required for office of trust or profit. (Ind. I 5; Ore. I 4.)

Not to be required for office of public trust. (Iowa I 4; Kan. D.R. 7.)

Not to be required for office or trust under state. (Me. I 3.)

Other than belief in existence of God ought not to be required in case of any office of profit or trust in this state. (Md. D.R. 37.)

Constant adherence to principles of piety declared to be necessary, and people ought to have attention to those principles in the choice of their officers. (Mass. Pt. I 18.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Religious Test (*Cont'd*)

Not to be required for office of public trust under state. (Minn. I 17; Wis. I 19.)

Not to be required for office, but no person who denies existence of a Supreme Being to hold office in state. (Miss. III 18, XIV 265.)

No person ineligible to office of trust or profit under this state on account of religious opinions. (Mo. II 5.)

Not to be required for office. (Nebr. I 4; Ohio I 7.)

Not to be required for office or public trust. (N.J. I 4.)

Right to hold office not to be restricted, abridged or impaired on account of religion, except as otherwise provided in constitution. This provision not to be amended except on vote of people in an election at which at least three-fourths of electors voting in state and at least two-thirds of those voting in each county shall vote for such amendment. (N.M. VII 3.)

Person who denies the being of Almighty God disqualified for office. (N.C. VI 8.)

Religious sentiments not to bar from holding "office or place of trust or profit" under state, if officer acknowledges the being of a God and a future state of rewards and punishments. (Pa. I 4.)

No man to be disqualified from holding office on account of religious belief. (R.I. I 3.)

No person who denies existence of a Supreme Being to hold office under constitution. (S.C. XVII 4.)

Not to be required for office or public trust under state; but no person who denies the being of God or a future state of rewards or punishments, shall hold office in civil department of state. (Tenn. I 4, IX 2.)

Legislature not to "prescribe any religious test". (Va. IV 58; W.Va. III 15.)

Not to be required for office or public trust in state, and no one to be excluded from office on account of religious sentiments, if he acknowledges existence of Supreme Being. (Tex. I 4.)

No person to be incompetent to hold office of trust or profit because of opinion on matters of religious belief. (Wyo. I 18.)

Residence

See also RESIDENCE.

Residence during term, *See below, this title,* RESIDENCE.

One year in state preceding election or appointment prerequisite to election or appointment to civil or military office in this state. (Ill. VII 6; Mo. VIII 12; Mont. IX 7.)

"Inhabitants" of state, having qualifications provided by constitution have equal right to be elected for public employments. Person is "inhabitant" in town, district or plantation where he dwells or has his home. (Mass. Pt. I 9, Pt. II Ch. I Sec. II 2.)

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PUBLIC OFFICERS (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Residence (*Cont'd*)
Person qualified to vote eligible to office elective by people in district where he has resided thirty days before election. (Minn. VII 7.)
Inhabitants of state having proper qualifications have equal right to be elected into office; person is "inhabitant" in town, parish and plantation where he dwells and has home. (N.H. I 11, II 29.)
Legal resident of state is qualified to hold office in state. (N.M. VII 2.)
Every inhabitant of state possessing qualifications provided for in constitution shall have equal right to be elected to public office. (S.C. I 10.)
Every qualified voter eligible to "office of the state, or of any county, city, town or other subdivision of the state, wherein he resides", unless otherwise provided in constitution (not applicable to office elective by people if law provides otherwise). (Va. II 32.)
Person not deemed to have gained residence by reason of his presence or lost it by reason of absence while in civil or military service of state or of United States or while a student at any institution of learning, or while kept at public expense in poorhouse or asylum or while confined in public prison. (Colo. VII 4.)
Same; adds "or while engaged in navigation of waters of state or of United States or of high seas". (Wash. VI 4.)
Absence on business of state or United States not to forfeit residence once obtained. (Tex. XVI 9.)
Sex
See also above, this subdivision, ELECTORAL.
Right of citizens of state to hold office not to be denied or abridged on account of sex. (Kan. V 8; Utah IV 1; Wyo. VI Suffrage, 1.)
Right of citizens of United States to hold office not to be denied or abridged by state or political division or municipality thereof, on account of sex; right to hold office under any law extended to and conferred upon males and females alike. (Ariz. VII 2.)
Until otherwise provided by legislature women who have qualifications provided in article VI may hold such school offices as provided by laws of territory. (Ida. VI 2.)
Appointment or election to office of factory inspector of either male or female persons to be allowed. (La. 210.)
Women twenty-one years and upward and having qualifications of male voters are eligible to hold any office pertaining to management of schools and libraries. (Minn. VII 8.)
Women eligible to office of county superintendent of schools or any school district office. (Mont. IX 10.)

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Sex (*Cont'd*)

Women resident of state four years, twenty years old, eligible to office of state librarian. (Miss. IV 106.)

Women over twenty-one who have resided in state one year and in county and district six months before election or appointment, eligible to office of superintendent of public instruction, deputy superintendent of public instruction, school trustee and notary public. (Nev. XV 3.)

Women eligible to school office if having qualifications as to age, residence, citizenship. (N.D. V 128.)

Women possessing qualifications of male electors may hold office of county school superintendent and of school director or member of a board of education. (N.M. VII 2.)

Women may hold office of notary public and such other appointive offices as prescribed by law. (N.M. XX 11.)

Women who are citizens may be appointed to boards of or positions in departments and institutions involving interests or care of women or children. (Ohio XV 4.)

Women eligible to office of notary public and of county superintendent of public instruction. (Okla. Sched. 6.)

Women twenty-one years and upward eligible to any office of control or management under school laws of state. (Pa. X 3.)

Women, resident of state two years, twenty-one years old, eligible to office of state librarian and departmental clerks. (S.C. XVII 1.)

Women having qualifications for electors as to age, residence and citizenship, may hold any office in state except as otherwise provided in constitution. (S.D. VII 9.)

Women eighteen years of age to be eligible as notary public. (Va. II 32.)

Treason as Disqualification

Conviction bars from office, or appointment of honor or trust in state, unless pardoned. (Ga. II Sec. II 1.)

Conviction bars from civil office unless restored to rights of citizenship. (Ida. VI 3.)

Conviction bars from office under constitution of state. (N.H. I 11.)

Conviction or confession on indictment pending, whether sentenced or not, or under judgment suspended, since becoming United States citizen, bars from office unless restored to rights of citizenship in manner prescribed by law. (N.C. VI 8.)

Conviction bars from office in state unless restored to civil rights. (Utah IV 6.)

United States, Rebellion Against, as Disqualification

Person who has voluntarily borne arms against government of United States or in any manner aided or abetted in attempted overthrow of such government (except persons honorably dis-

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PUBLIC OFFICERS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

United States, Rebellion Against, as Disqualification (*Cont'd*)

charged from military service of United States since April 1, 1861, provided they have served one year or more therein) not to hold office in state until disability removed by law passed by vote of two-thirds of all members of both houses of legislature. (Kan. V 2.)

United States Service, Discharge from, as Disqualification

Person dishonorably discharged from service of United States, unless reinstated, not to hold office in state until disability removed by law passed by vote of two-thirds of all members of both houses of legislature. (Kan. V 2.)

QUALIFYING OF

Oath of office, *See above, this title,* OATH OF OFFICE.

If officer refuses or neglects to qualify within time prescribed by law, office to be vacant. (Colo. XII 10.)

As soon as possible after election, if constitution provides for election. (Md. XV 9.)

Officer elected or appointed under constitution may qualify under old constitution or before governor or clerk of court of record. If out of county of residence, copy of oath filed there. (Md. XV 10.)

REMOVAL

Disqualification to Hold Office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

For Acceptance of Free Passes or Transportation, *See above, this title,* FREE PASSES, ETC.

Recall, *See* RECALL OF PUBLIC OFFICERS.

By Appointing Power

Appointed officers (except judges of courts of record and superintendent of public instruction) may be removed at pleasure of power by which appointed. (Pa. VI 4.)

By Governor

Officers convicted of misbehavior in office or of infamous crime. (Del. XV 6.)

Of officers established by constitution or laws whose appointment or election not otherwise provided, for incompetency, neglect of duty or malfeasance in office. (Colo. IV 6.)

Of officer appointed by him, for incompetency, neglect of duty or malfeasance in office. (N.M. V 5.)

Of civil officers appointed by the executive for term of years, for incompetency or misconduct. (Md. II 15.)

Of officers whom he may appoint, for incompetency, neglect of duty or malfeasance in office; may declare office vacant and fill it as provided in other cases of vacancy. (Nebr. V 12.)

Of any officer whom he may appoint, for incompetency, neglect of duty or malfeasance in office; may declare office vacant; vacancies filled as in other cases. (Ill. V 12.)

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PUBLIC OFFICERS (*Cont'd*)

REMOVAL (*Cont'd*)

By Governor (*Cont'd*)

Of officer whom he may appoint, for incompetency, neglect of duty, gross immorality or malfeasance in office; may declare office vacant and fill it as provided in constitution for other cases of vacancy. (W.Va. VII 10.)

Of any state officer except legislative or judicial, during recess of legislature, for gross neglect of duty or corrupt conduct, or misfeasance or malfeasance in office. (Mich. IX 7.)

If officer fails to account for fees in manner provided in constitution governor shall declare office vacant. (Md. XV 1.)

Power to suspend, *See below, this subdivision*, SUSPENSION.

By Governor with Consent of Senate

In case of officer not liable to impeachment, for malfeasance, or misfeasance, or neglect of duty in office, or commission of felony, or for drunkenness or incompetency. (Fla. IV 15.)

By Governor on Address of Legislature

In case of any officer (except lieutenant-governor or member of legislature) for reasonable cause, by governor on address of two-thirds of members elected to each house of legislature. (Del. III 13.)

In case of elected officers (except governor, lieutenant-governor, members of legislature and judges of courts of record learned in the law) by governor for reasonable cause, on address of two-thirds of senate. (Pa. VI 4.)

In case of executive or judicial officers for wilful neglect of duty or other reasonable cause, not sufficient ground for impeachment, by governor on address of two-thirds of each house of legislature. (S.C. XV 4.)

By governor with advice of council on address of both branches of legislature. (Me. IX 5.)

By Legislature

State officers may be removed for crime, incapacity or negligence, by joint resolution of legislature, on two-thirds vote of members elected to each house. (Ind. VI 7.)

Any officer, except governor or acting governor, may be removed for any reasonable cause, on address of two-thirds of members elected to each house of legislature. (La. 220.)

Executive officers at seat of government (except lieutenant-governor) may be suspended by governor during recess of legislature for misbehavior, incapacity, neglect of official duty or acts performed without due authority of law; governor to report to legislature at beginning of next session the causes, and legislature to determine whether officer is to be restored or removed. (Va. V 73.)

By Conviction by Court

On conviction of wilful neglect of duty or misdemeanor in office to be removed from office. (Miss. VI 175.)

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PUBLIC OFFICERS (*Cont'd*)
REMOVAL (*Cont'd*)
By Conviction by Court (*Cont'd*)
Office created by constitution to become vacant on conviction of felony. (Nebr. III 20.)
"Incompetency, corruption, malfeasance or delinquency in office" may be tried in same manner as criminal offenses and judgment may be of dismissal from office. (Ore. VII 6.)
Civil officers (other than governor, judges of highest court, judges of inferior courts, chancellors, attorneys for state, treasurer, comptroller and secretary of state) liable to indictment for crimes and misdemeanors in office in such courts as legislature may direct and on conviction shall be removed from office by court as if found guilty on impeachment. (Tenn. V 5.)
Person authorized to assess values for taxation who commits wilful error in performance of duty deemed guilty of malfeasance and on conviction forfeits office and punished as provided by law. (Ky. 172.)
In cases of embezzlement by officer having custody of public or trust funds, office to be declared vacant and vacancy to be filled as prescribed by law. (S.C. IV 22.)
Unlawful for person holding office of honor, trust or profit to engage in gambling or betting on games of chance, and on conviction office to become vacant as in case of resignation or death. (S.C. XVII 8.)
Method to Be Prescribed by Law
Legislature may provide for removal of officers other than those named in article VII of the constitution. (Ala. VII 174.)
State officers to be removed as prescribed by law. (Ind. VI 8.)
Legislature may provide for removal of inferior officers for malfeasance or nonfeasance in performance of duties. (Minn. XIII 2.)
Law to provide for removal of civil officers (other than governor and other state and judicial officers, except justices of the peace) for malfeasance or nonfeasance in performance of duties. (Nev. VII 4.)
Law to provide for removal of all "officers, except judicial, whose powers or duties are not local or legislative and who shall be elected at general elections", in case of misconduct or malversation in office, and for filling vacancies caused thereby. (N.Y. X 7.)
Officers to be removed for incapacity, misconduct or neglect of duty in manner prescribed by law, when no mode of trial or removal is prescribed in constitution. (S.C. III 27.)
Legislature to provide for trial and removal of all officers of state, modes for which not provided in constitution. (Tex. XV 7.)
Officers, unless otherwise provided for in constitution, may be removed for official misconduct, incompetency, neglect of duty

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PUBLIC OFFICERS (*Cont'd*)

REMOVAL (*Cont'd*)

Method to Be Prescribed by Law (*Cont'd*)

or gross immorality, in manner as prescribed by general laws; and legislature to prescribe by general laws the manner in which public officers and agents shall be removed. (W.Va. IV 6, 8.)

Officers not liable to impeachment to be removed for misconduct or malfeasance in office in manner prescribed by law. (Colo. XIII 2; Mont. V 18; Wash. V 3; Wyo. III 19.)

Officers not liable to impeachment to be removed for high crimes, misdemeanors or malfeasance in office in manner prescribed by law. (Utah VI 21.)

Officers not liable to impeachment to be removed for misconduct, malfeasance, crime or misdemeanor in office, or for habitual drunkenness or gross incompetency, in manner prescribed by law. (N.D. XIV 197.)

Officers not liable to impeachment to be removed for misconduct or malfeasance or crime or misdemeanor in office, or for drunkenness or gross incompetency, in manner prescribed by law. (S.D. XVI 4.)

Elective officers not liable to impeachment to be removed in such manner and for such causes as prescribed by law. (Okla. VIII 2.)

Law to provide for removal on complaint and hearing of all officers, for misconduct involving moral turpitude or other cause provided by law; this method additional to impeachment or other method of removal provided by constitution. (Ohio II 38.)

Legislature to provide for forfeiture of office in case of any public officer (except governor) who receives more than $5,000 as compensation for official services, independent of compensation of legally authorized deputies and assistants. (Ky. 246.)

Legislature to provide for removal of officers for bribery, fraud, intimidation or other corrupt practice to procure own nomination or election, except in elections for school trustees or other common school district elections. (Ky. 151, 155.)

If state officer does not give reasonable additional security when required by governor, office to be declared vacant in manner prescribed by law. (W.Va. VII 13.)

Method Not Expressly Provided

Whenever state officer changes his residence from state, his office to be vacant, any declaration of retention of domicile to contrary notwithstanding. (La. 210.)

Offices created by constitution to become vacant by death, removal from state, resignation, conviction of felony, impeachment, or becoming of unsound mind. (Nebr. III 20.)

Drunkenness to be cause "for impeachment and removal from office". (Nebr. XIV 3.)

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PUBLIC OFFICERS (*Cont'd*)
REMOVAL (*Cont'd*)
Method Not Expressly Provided (*Cont'd*)
Drunkenness and excessive use of intoxicating liquors while in office to be cause for removal. (Okla. II 11.)
All officers to be removed on conviction of misbehavior in office or of infamous crime; appointed officers (other than judges of courts of record and superintendent of public instruction) may be removed at pleasure of power by which appointed; officers elected by people (except governor, lieutenant-governor, members of legislature and judges of courts of record learned in the law) to be removed by governor for reasonable cause on address of two-thirds of senate. (Pa. VI 4.)
If executive or judicial officer or member of legislature demands or receives a bribe, his office to be forfeited. (Tex. XVI 41.)
If officer of executive department or officer or manager of state institution makes false report or gives false information he shall be removed from office. (Tex. IV 24.)
If civil officer fails to reside in state and keep office where required by law, his office to become vacant. (Tex. XVI 14.)
Formalities
Notice required before vote on adoption of address. (S.C. XV 4.)
Notice required ten days before vote on adoption of address. (Del. III 13.)
"Complaint" required. (Ohio II 38.)
Causes to be communicated to incumbent ten days before adoption of address. (Del. III 13.)
Causes to be communicated to incumbent before adoption of address. (Me. IX 5.)
Causes to be stated at length in address and entered on journal of each house. (La. 220; S.C. XV 4.)
Causes entered on journal of each house. (Del. III 13; Me. IX 5.)
Causes reported by governor to legislature at next session. (Mich. IX 7.)
Hearing required. (Ohio II 38.)
Hearing required before vote on adoption of address. (Me. IX 5; S.C. XV 4.)
Full hearing by governor required in case of elected officers (except those convicted of misbehavior in office or infamous crime). (Pa. VI 4.)
Vote on adoption of address taken by yeas and nays. (S.C. XV 4.)
Suspension
Legislature may provide for suspending officer pending prosecution for misconduct in office. (Colo. XII 1; Wyo. VI Elections, 4.)
Officers not liable to impeachment may be suspended from office by governor for malfeasance, or misfeasance, or neglect of

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PUBLIC OFFICERS (*Cont'd*)

REMOVAL (*Cont'd*)

Suspension (*Cont'd*)

duty in office, or commission of felony, or for drunkenness or incompetency; cause of suspension communicated to officers suspended and to senate at next session. Suspension to continue until adjournment of next session of senate unless officers suspended be removed by governor with consent of senate. Governor may reinstate officer so suspended on satisfactory evidence that charges are untrue. If senate refuses to remove or fails to act before adjournment, person suspended shall resume his duties without loss of salary. Governor may fill office incumbent of which has been suspended. (Fla. IV 15.)

Legislature may provide for suspension of public officials charged with collection of public money when they fail to account. (La. 182.)

On recommendation of auditor or police jury of any parish, governor may suspend officers charged with collection or custody of public funds when in arrears. (La. 223.)

Duty of governor to suspend alleged defaulting state and county treasurers and defaulting tax collectors pending investigation of accounts and to make temporary appointments to fill offices during investigations. Legislature to provide for enforcement of this provision. (Miss. V 125.)

When governor notified by affidavit that officer having custody of public or trust funds is probably guilty of embezzlement, he shall direct immediate prosecution by proper officers and on indictment governor shall suspend him and appoint successor until acquitted by jury. In case of conviction office to be declared vacant and vacancy filled as provided by law. (S.C. IV 22.)

Breaches of trust and duty by custodians of public funds, legislature to provide for investigation, and for suspension from office on reasonable cause shown and for appointment of temporary incumbents. (Tex. IV 25.)

Executive officers at seat of government (except lieutenant-governor) may be suspended by governor during recess of legislature for misbehavior, incapacity, neglect of official duty or acts performed without due authority of law; governor to report to legislature at beginning of next session the cause, and legislature to determine whether officer is to be restored or removed; governor, during recess of legislature, to appoint *pro tempore* successors to officers so suspended. (Va. V 73.)

Effect of Removal or Suspension

Penalties not to extend beyond disqualification from holding office under authority of this state for term for which elected or appointed, but accused liable to indictment and punishment as prescribed by law. (Ala. VII 174.)

Suspension or removal not to relieve officer from indictment for misdemeanor in office. (Fla. IV 15.)

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PUBLIC OFFICERS (*Cont'd*)

REPORTS

Of Accounts, *See above, this title,* ACCOUNTS.

Frequent Reports

"Letters, dispatches and intelligences of a public nature" to be "communicated" to governor "as soon as may be after" receipt. (Mass. Pt. II Ch. II Sec. I 12.)

Regular Reports

Legislature to provide by law for annual or biennial reports of state officers and institutions. (Me. Amend. 23.)

Officers of executive department to make reports of official acts to governor at beginning of each regular session; to be transmitted by governor to legislature at beginning of each regular session. (Fla. IV 27.)

Officers of executive department and of public state institutions to report to governor at least five days before each regular session of legislature; governor transmits reports with message. (N.C. III 7; Ohio III 20.)

Subordinate officers of executive department and officers of public institutions of state to report to governor at least ten days before each regular session of legislature; governor transmits reports to legislature. (W.Va. VII 18.)

Officers of executive department and of public institutions of state, to report to governor at least ten days preceding each regular session of legislature; governor transmits reports to legislature. (Ill. V 21; Kan. I 16; Nebr. V 22.)

Same; twenty days. (Colo. IV 17; Ida. IV 17; Mont. VII 19.)

Same; thirty days. (N.M. V 9.)

When Required by Governor

By state officers in writing on subject relating to duties of office when required by governor. (Wash. III 5.)

By officers of administrative department in writing, on subject relating to duties of office, when required by governor. (Ind. V 15.)

By administrative officers of executive department in writing on subject relating to duties of office, when required by governor; officers of executive department to make full report of official acts when required by governor, such reports to be laid before legislature at beginning of each regular session. (Fla. IV 5, 27.)

By officers of executive department in writing, on subject relating to duties of office, when required by governor. (Ariz. V 4; Ark. VI 7; Cal. V 6; Conn. IV 6; Del. III 14; Ga. V Sec. I 18; Iowa IV 8; Kan. I 4; Ky. 78; La. 73; Miss. V 120; Nev. V 6; N.C. III 7; Ohio III 6; Pa. IV 10; Tenn. III 8.)

Opinions in writing of principal officer in each of executive departments on subjects relating to duties of office, when required by governor. (Minn. V 4.)

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PUBLIC OFFICERS (*Cont'd*)

REPORTS (*Cont'd*)

When Required by Governor (*Cont'd*)

By executive and administrative state officers, in writing on subject relating to duties of office, when required by governor. (Mich. VI 3.)

By officers of executive department or any military officer on subject relating to duties of office, when required by governor. (Me. V Pt. I 10.)

By officers of administrative and military departments in writing on subject relating to duties of office, when required by governor. (Ore. V 13.)

By officers of executive department and boards of public institutions, in writing on subject relating to duties of office, when required by governor, including itemized accounts of receipts and disbursements. (S.C. IV 14.)

By officers of executive department and superintendents of state institutions in writing under oath, on subject relating to duties of office, when required by governor. (Va. V 74.)

By officers of executive department and officers and managers of state institutions in writing on subject relating to condition, management and expenses of office, when required by governor. (Utah VII 5.)

Same; oath required. (Ill. V 21; Nebr. V 22; W.Va. VII 18.)

Same; oath required; false report to be perjury. (Mo. V 22.)

Same; oath required; person making false report to be guilty of perjury and removed from office. (Tex. IV 24.)

By officers and commissioners of state and officers of state institutions, penal, eleemosynary, educational and industrial, in writing under oath on subject relating to office when required by governor; false report to be punished as prescribed by law; governor to transmit copy to each house of legislature. (Okla. VI 33, 9.)

By officers of executive department in writing under oath on subject relating to duties of office, when required by governor, and by officers and managers of state institutions in writing under oath on subject relating to condition, management and expenses of office and institution, when required by governor. (Colo. IV 8; Ida. IV 8; Mont. VII 10.)

Same; failure to report or making false report to be impeachable offense. (Ala. V 121.)

When Required by Legislature

By officers of executive department whenever called upon by either house of legislature. (Fla. IV 27.)

By officers of executive department and officers and managers of state institutions in writing under oath, on subject relating to condition, management and expenses of office, when required by either houses of legislature. (Nebr. V 22.)

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PUBLIC OFFICERS (*Cont'd*)

RESIDENCE

All civil officers of the state shall reside within state and keep their offices at such places therein as are now or may hereafter be required by law. (Ark. XIX 4.)

Civil officers for state at large, to reside within state, and keep offices at such place therein as may be required by law. (Ky. 234.)

Whenever state officer changes his residence from state, his office to be vacant, any declaration of retention of domicile to contrary notwithstanding. (La. 210.)

Office created by constitution to become vacant by removal of incumbent from state. (Nebr. III 20.)

Officers provided by law and constitution in whom executive authority of state vested, to keep office and public records at seat of government. (Okla. VI 1.)

Civil officers to reside in state, and keep office where required by law; violation to vacate office. (Tex. XVI 14.)

As qualification for office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

RETIREMENT, *See* PENSIONS.

ROTATION IN OFFICE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

SELECTION

Law to provide for election or appointment if selection not provided for by constitution. (Cal. XX 4; Kan. II 19, XV 1; Nev. XV 10; Ohio II 27; Pa. XII 1.)

Legislature to prescribe by general law manner of election or appointment of public officers and agents, if not provided for in constitution. (W.Va. IV 8.)

Officers (other than county, city, town and village officers) whose election or appointment is not provided for by constitution, to be elected or appointed as legislature may direct. (N.Y. X 2; Wis. XIII 9.)

Officers hereafter created by law to be elected or appointed as legislature may direct. (Cal. XX 4; La. 71; N.Y. X 2; Wis. XIII 9.)

Legislature to provide for appointment by governor or election by people of all state officers not otherwise provided for by constitution. (Fla. III 27.)

Inferior state officers, not provided for in constitution, to be appointed or elected as prescribed by law. (Ky. 93.)

Legislature to "name and settle" annually, or to provide for "naming and settling" of civil officers within the state not otherwise provided for in constitution. (Mass. Pt. II Ch. I Sec. I 4.)

Legislature to "name and settle" biennially, or provide for "naming and settling" of civil officers within the state not otherwise provided for in constitution. (N.H. II 5.)

Officers whose election is not provided for in constitution to be elected or appointed as prescribed by law. (Wyo. VI Elections 6.)

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PUBLIC OFFICERS (*Cont'd*)

SELECTION (*Cont'd*)

If appointment not otherwise provided for in constitution, to be chosen as prescribed by law. (Ind. XV 1.)

Legislature at first session to provide for "election of officers whose election not provided for in constitution". (Utah XXIV 15; Wash. XXVII 11.)

Attorney-general elected by judges of highest court. (Tenn. VI 5.)

For method of appointment, *See above, this title*, APPOINTMENT.

For list of officers appointed by governor, *See* GOVERNOR.

For list of officers elected by legislature, *See* LEGISLATURE.

As to elections generally, *See* ELECTIONS.

SUSPENSION, *See above, this title*, REMOVAL.

TERM OF OFFICE

In General

If term of officer or commissioner is not provided in constitution, may be declared by law; if not, he shall hold during pleasure of appointing power. (Not applicable to officers or employees of municipality under legally adopted charter, or to persons appointed to office or employment during good behavior under civil service law of state or political division thereof.) (Cal. XX 16.)

If not provided for by constitution may be declared by law, and if not so declared to be held during pleasure of appointing power. (Ind. XV 2; Kan. XV 2; Nev. XV 11; N.Y. X 3; Ore. XV 2.)

Of inferior state officers, not provided for in constitution, to be prescribed by law. (Ky. 93.)

If not provided for, to be during pleasure of governor and council. (Me. IX 6.)

As prescribed by law, for officers whose appointments not provided for by law. (N.J. VII Sec. II 9.)

Fixed by law in cases not provided for in constitution. (Ohio II 20.)

Legislature at first session to fix time of commencement and duration of term of all officers whose election not provided for in constitution. (Utah XXIV 15; Wash. XXVII 11.)

Legislature to prescribe by general law, for public officers and agents, if not provided for in constitution. (W.Va. IV 8.)

Time of Beginning

To be prescribed by law in case of officers authorized or directed by constitution to be elected or appointed, unless time fixed by constitution. (Ky. 236.)

Term of officers for whose election constitution provides, commences at time of election, unless otherwise provided by constitution. (Md. XV 9.)

Term of officers elected or appointed pursuant to constitution to commence, except when otherwise directed in constitution, on date of commission; but no commission shall bear date prior to expiration of term of incumbent. (N.J. VII Sec. II 11.)

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PUBLIC OFFICERS (*Cont'd*)
TERM OF OFFICE (*Cont'd*)
Time of Beginning (*Cont'd*)
Term of state officers to commence at same time as governor. (S.C. IV 2.)
Legislature at first session to provide for in case of all officers whose election not provided for in constitution. (Utah XXIV 15; Wash. XXVII 11.)
To begin on January 1st, unless otherwise provided in constitution. (W.Va. IV 7.)
Term of elective state officers to begin on 1st of January after election, except as otherwise prescribed in constitution. (Mich. XVI 1.)
Term of state officers, except to fill vacancies, to begin on 1st of January after election. (N.M. XX 3.)
Term to commence and terminate first Monday in January. (Minn. VII 9.)
Term of officers elected at general election to commence on first Monday in January after election. (Utah IV 9.)
All officers, except governor, elected at general biennial election to assume duties on first Monday in January after election. (Ore. II 14.)
State officers elected at a general election to enter on duties on first Monday in January after election or as soon thereafter as possible. (Wyo. VI Elections 5.)
Term of officers provided for by constitution, to commence first Monday after January 1st after election. (Cal. XX 20.)
Term of elective state officers to begin first Tuesday in January after election. (Del. Sched. 8.)
Term of state officers begins on Thursday after first Tuesday in January after election. (Nebr. XVI 14.)
Term of executive officers begins on January 15th after election of governor. (Tenn. VII 5.)
Term of officers elected under constitution to begin on February 1st after election unless otherwise provided in constitution. (Va. II 33.)
Term of civil officers appointed by governor and senate to commence on first Monday of May after appointment, except inspectors of tobacco. (Md. II 13.)
Term of civil officers to begin on September 1st after election. (Tenn. VII 5.)
Limit on Length
Life Tenure Prohibited
Election or appointment to office in state not to be for life or during good behavior, but to be for some specified period. (Miss. III 20.)
No person to be elected or appointed to office in state for life or during good behavior, but term to be for some specified period, except notaries public and officers in militia. (S.C. I 11.)

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PUBLIC OFFICERS (*Cont'd*)

TERM OF OFFICE (*Cont'd*)

Limit on Length (*Cont'd*)

Life Tenure Prohibited (*Cont'd*)

No office to be created by legislature the "appointment of which shall be for a longer time than a term of years". (Ky. 23.)

No Longer Than Good Behavior

No office to be created appointment to which shall be for longer time than during good behavior. (Ala. I 29; Me. I 23.)

No office to be created or exercised appointment to which shall be for longer term than during good behavior; officers to hold office on condition of good behavior. (Del. I 19, XV 6.)

Legislature not to create office appointment to which shall be for longer term than during good behavior; officers to hold office on condition of good behavior. (Pa. I 24, VI 4.)

Specified Number of Years

Term not to exceed four years (not applicable to officers and employees of municipality under legally adopted charter, or to persons appointed to office or employment during good behavior under civil service law of state or political subdivision thereof). (Cal. XX 16.)

Legislature not to create office term of which shall be longer than four years. (Fla. XVI 7; Ind. XV 2; Kan. XV 2; Nev. XV 11; Ore. XV 2.)

Term of inferior state officers, not provided for in constitution, to be not over four years. (Ky. 93.)

Term of civil officers appointed by governor and senate to be two years. (Md. II 13.)

Term of elective officers under constitution to be four years except as otherwise provided in constitution. (Miss. XII 252.)

Where not fixed by constitution, not to exceed two years (except railroad commission, board of regents of state university, boards of trustees or managers of educational, eleemosynary and penal institutions of state and boards now or hereafter established by law). (Tex. XVI 30, 30a.)

Extension After Election or Appointment

Not to be extended by law after election or appointment. (Colo. V 30; Del. XV 4; Ill. IV 28; Mont. V 31; Pa. III 13; Wyo. III 32.)

Not to be extended beyond period for which elected or appointed. (Mo. XIV 8; Okla. XXIII 10.)

Not to be extended by law after election. (W.Va. VI 37.)

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PUBLIC OFFICERS (*Cont'd*)
TERM OF OFFICE (*Cont'd*)
Holding Over After Term
Until successors qualified. (Ariz. XXII 13; Ark. XIX 5; Del. XV 5; Mo. XIV 5; Okla. XXIII 10; Tenn. VII 5; Tex. XVI 17.)
Civil officers under state shall, unless removed according to law, exercise duties until successor qualified. (Not to apply to members of legislature or of any board or assembly, two or more of whom are elected at same time.) (Colo. XII 1; Wyo. VI Elections 4.)
State officers to continue in office after expiration of term until successors qualified. (Fla. XVI 14.)
If constitution or law provides for term, incumbent (except member of legislature) to hold until successor qualifies. (Ind. XV 3.)
Inferior state officers, not provided for in constitution, hold office until successors qualify. (Ky. 93.)
Until successors inducted into office, except in case of impeachment or suspension. (La. 172.)
Civil officers appointed by governor and senate hold office until successors qualify. (Md. II 13.)
Every officer, unless removed, to hold office until successor qualified. (N.M. XX 2; W.Va. IV 6.)
All officers except members of legislature to hold office until successors qualified. (Ore. XV 1.)
Legislature to provide by law for continuance in office of officers "of annual election or appointment" until successors qualified. (R.I. IV 16.)
Officers elected under constitution to serve until successors qualified. (Va. II 33.)
Commissions to Express
Commissions to express tenure of office. (N.H. II 72.)
Re-election to Same Office, *See above, this title*, QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.
In Case of Vacancies, *See below, this title*, VACANCIES IN OFFICE.
UNAUTHORIZED OR INVALID ACTS
See also above, this title, MISCONDUCT IN OFFICE.
No law to be passed legalizing, or validating illegal use of public funds. (N.M. IV 25.)
Not to be legalized except as against state by private, local or special law. (Cal. IV 25; Ida. III 19; N.D. II 69; Wash. II 28.)
Of officers or public agents of state not to be legalized, except as against state, by local or special law. (Ky. 59.)
Of officer, servant or agent of state, not to be legalized by local or special law. (La. 48; Mo. IV 53.)
Misconduct in office as disqualification, *See above, this title*, QUALIFICATIONS AND DISQUALIFICATIONS.

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PUBLIC OFFICERS (*Cont'd*)

VACANCIES IN OFFICE

Method of Filling

In General

Legislature to provide for filling. (N.Y. X 5.)

Filled as prescribed by law, if not otherwise provided for in constitution. (Kan. II 19; Ohio II 27; Wis. XIII 10.)

Same; in cases of emergency, provisional appointments may be made by governor to continue until vacancy regularly filled. (Miss. IV 103.)

Filled as prescribed by law if not otherwise provided for by constitution. During recess of senate in cases not otherwise provided for in constitution, filled by governor until end of next session; failure of governor to send to senate name of person appointed to be equivalent to rejection; person nominated and rejected by senate not to be appointed to same office during recess of senate. (La. 72, 171.)

Filled as prescribed by law, if not otherwise provided for in constitution, but successor not to hold for longer than unexpired term. (Tenn. VII 4, 5.)

Filled as prescribed by law, if not otherwise provided for by constitution; vacancies in state office filled by governor with advice and consent of senate if in session. (Mich. XVI 5, VI 10.)

Filled as prescribed by law, if not otherwise provided for by constitution. During recess of legislature, if no provision by constitution or laws, filled by governor until end of thirty days after beginning of next session of legislature. (Va. IV 56, V 73.)

Filled by governor, if not otherwise provided by constitution or law. (Ariz. V 8; N.D. III 78; S.D. IV 8; Wyo. IV 7.)

Filled by governor, unless otherwise provided by law, until successor qualified. (Okla. VI 13.)

Filled by governor, except as otherwise provided in constitution until filled according to constitution. (Ky. 76.)

Filled by governor, unless otherwise provided by law, until successor commissioned as provided in constitution or by law. (Ga. V Sec. I 14.)

Filled by governor, and in his absence by lieutenant-governor, until office can be filled in manner directed by law or constitution. (Vt. II 20.)

Filled by governor for unexpired term, if no provision in constitution or by law. (Fla. IV 7.)

Filled by governor, unless otherwise provided by law, until successor elected or appointed and qualified. (Mo. V 11.)

Filled by governor, in case of state office for which no provision made in constitution, until successor elected and qualified. (Ind. V 18; Ore. V 16; Wash. III 13.)

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PUBLIC OFFICERS (*Cont'd*)
VACANCIES IN OFFICE (*Cont'd*)
Method of Filling (*Cont'd*)
In General (*Cont'd*)
Filled by governor, if no provision in constitution and laws, till end of next session of legislature or next election by people. (Cal. V 8; Iowa IV 10.)
Filled by governor, if not otherwise provided for by constitution or law, until filled by legislature or people. (R.I. VII 5.)
If vacancy occurs during recess of senate in state office, governor to fill until next meeting of senate, when he makes nomination. (Ida. IV 6; Utah VII 10.)
If vacancy occurs during recess of senate in office appointment or election to which is not provided for, filled by governor until next meeting of senate, when he shall nominate person to fill office. (Colo. IV 6; Mont. VII 7.)
If vacancy occurs during session of senate in state offices (except member of legislature) filled, unless otherwise provided by law, by governor with consent of two-thirds of members of senate present; vacancy during recess of senate filled, unless otherwise provided by law, by governor and nomination made to senate during first ten days of session; if officer rejected by senate, office to become vacant and governor to make further nominations until confirmation; if no confirmation during session, governor not to appoint to fill vacancy any person rejected by senate, but may appoint other person until next session of senate, or until regular election. (Tex. IV 12.)
Appointive Offices
If vacancy during recess of senate in office to which governor may appoint (except chancellor, chief justice and associate judges), he may fill until end of next session. (Del. III 9.)
If vacancy during recess of senate in office not elective, filled by governor, until next meeting of senate, when nomination to be made, and person nominated, if confirmed by majority of senators elected voting by yeas and nays, shall hold office during remainder of term and until successor qualifies; after rejection by senate, person not to be nominated for same office at same session unless by request of senate, nor be appointed to same office during recess of legislature. (Ill. V 11; Nebr. V 11.)
Same; except during recess of "senate" instead of "legislature". (W.Va. VII 9.)
If vacancy during session of senate, except within ten days before final adjournment, in office which governor and senate have power to fill, nomination to be made before final adjournment; if during recess of senate, governor may fill till end of next session or till appointment is

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PUBLIC OFFICERS (*Cont'd*)
VACANCIES IN OFFICE (*Cont'd*)
Method of Filling (*Cont'd*)
Appointive Offices (*Cont'd*)

made; nomination to be made to senate within thirty days after meeting of legislature; after rejection by senate person not to be nominated for same office at same session unless by request of senate, nor appointed to same office during recess of legislature. (Md. II 14, 11, 12.)

If vacancy during recess of legislature in office which is filled by governor and senate, governor to fill vacancy until end of next session, unless successor sooner appointed; no appointment or nomination to be made by governor during last week of term; if person nominated for office of trust or profit under government of state is not confirmed before recess, he is not eligible for appointment to such office during such recess. (N.J. V 12, 3.)

If vacancy during recess of senate in office to which governor may appoint with consent of senate, filled by governor until next session of senate, when office filled by governor with consent of senate for unexpired term. (N.M. XX 5.)

If vacancy during recess of senate in office to which governor may appoint, with consent of senate, he may fill until end of next session; if vacancy occurs during session of senate he shall make nomination before final adjournment; in acting on nominations senate to sit with open doors and votes to be by yeas and nays and entered on journal. (Pa. IV 8.)

Elective Offices

If not otherwise provided by constitution and laws, filled by governor until qualification of successor elected at next general election. (Ark. VI 23.)

If vacancy in elective office (except lieutenant-governor and members of legislature) governor may fill until successor qualifies, and election to be held for full term at next general election, unless within two months, in which case at second general election. (Del. III 9.)

Election to fill vacancies to be for unexpired term; appointees to fill vacancies to elective office under constitution to serve only to election and qualification of successor at next general election. (Fla. XVIII 6, 7.)

Legislature may provide by law for filling unexpired terms by special elections. (Ga. V Sec. I 9.)

Appointee to hold only till election and qualification of successor at next general election, who holds for unexpired term. (Iowa XI 6.)

Except as otherwise provided in constitution, if unexpired term of elective office ends at next annual election, at which city, town, county, district or state officers are to be elected, filled by appointment for remainder of term;

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PUBLIC OFFICERS (*Cont'd*)
VACANCIES IN OFFICE (*Cont'd*)
Method of Filling (*Cont'd*)
Elective Offices (*Cont'd*)

if unexpired term will not so end, and if three months intervene before next such election, office filled by appointment until election and then by election for remainder of term; if three months do not intervene office filled by appointment until second such election, and if part of term remains unexpired, office filled by election until regular time for election to fill office; appointments made by governor in case of offices for state at large or districts larger than county and made in other cases as prescribed by law; (not to apply to election of school trustees and other common school district elections which are regulated by legislature except as otherwise provided in constitution). (Ky. 152, 155.)

Vacancies in state offices to be created by law, filled by governor until next annual election and until successor qualified. (Minn. V 4.)

Where no provision made in constitution and law, filled by governor till next election and qualification of successor; vacancies in state offices, filled by appointment by governor until next general election. (Nev. V 8, XVII 22.)

Vacancies in state offices (except lieutenant-governor and member of legislature), filled by governor until next general election, when successor to be chosen for unexpired term. (N.M. V 5.)

Appointees not to hold longer than beginning of political year after first annual election after vacancy. (N.Y. X 5.)

Vacancies in elective state office (other than member of legislature or governor) filled by governor until disability removed or successor qualified; vacancy filled by election at first general election more than thirty days after vacancy; person elected to serve for unexpired term; vacancies in other elective offices filled for unexpired term as prescribed by law. (Ohio XVII 2.)

If vacancy during recess of senate in elective office which governor may fill, he may fill it until end of next session; if vacancy during session of senate, nomination to be made before final adjournment; successor to be chosen at next election appropriate to office, unless vacancy occurs within two calendar months preceding election, in which case at second succeeding election day appropriate to office. (Pa. IV 8.)

Appointees to hold only until first general election, at which successor to be elected for unexpired time. (Tex. IV 12, XVI 27.)

Vacancy in state office, where no provision in constitution and laws, filled by governor until next election and qualification of successor. (Utah VII 9.)

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PUBLIC OFFICERS (*Cont'd*)

VACANCIES IN OFFICE (*Cont'd*)

Method of Filling (*Cont'd*)

Elective Offices (*Cont'd*)

Vacancy occurring prior to general election, filled by appointment as prescribed by constitution or general law until qualification of person elected at general election for residue of unexpired term. (W.Va. IV 7.)

Elections to fill vacancies to be for unexpired term. (Colo. XII 11; Fla. XVIII 7; Iowa XI 6; Ky. 152; Nev. XVII 2; Ohio XVII 2; Tex. XVI 27; W.Va. IV 7.)

Offices to Which Legislature Appoints

During recess of legislature, in office appointment to which is vested in legislature, governor to fill until successor elected and qualified. (Ind. V 18; Ore. V 16; Wash. III 13.)

During recess of legislature, in office to which legislature by constitution may appoint, filled by governor until end of next session of legislature. (Tenn. III 14.)

During recess of legislature, in office which is filled by legislature, filled by governor until end of next session, unless successor sooner appointed. (N.J. V 12.)

When Vacancy Exists

For vacancies caused by removal or suspension, *See above, this title*, REMOVAL.

For vacancies caused by impeachment, *See* IMPEACHMENT.

Legislature may declare cases in which office deemed vacant when no provision made in constitution. (Mich. XVI 5; N.Y. X 8; Va. IV 56; Wis. XIII 10.)

If officer refuses or neglects to qualify within time prescribed by law, office to be vacant. (Colo. XII 10.)

Offices created by constitution to become vacant by death, removal from state, resignation, conviction of felony, impeachment or becoming of unsound mind. Legislature to provide for filling by general law, if no provision made in constitution. (Nebr. III 20.)

Compensation of Successor

Successor of state officer to receive only salary provided by law at time of his election or appointment. (Utah VII 20.)

WELFARE OF, *See* LABOR — PUBLIC WORK.

PUBLIC PRINTING

Done by state printer elected at election held for state officers for two years and until his successor is elected and qualified. (Kan. XV 4.)

State printer may be provided for by law; to have not less than 10 years' experience in art of printing; compensation to be provided by law. To be elected or appointed as provided by law and until law is passed, elected as heretofore provided by constitution and general laws. (Ore. XII 1.)

Legislature to have power to establish a state printing plant and to provide for the election or appointment of a state printer. (Okla. V 37.)

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PUBLIC PRINTING (*Cont'd*)

Laws may be passed providing for manner of doing public printing. (Ore. XII 1.)

To be let on contract to lowest responsible bidder or done directly by the state in manner prescribed by law. (Ohio XV 2.)

Legislature to prescribe by law manner in which state printing executed and accounts rendered therefor; to prohibit "all charges for constructive labor"; not to rescind or alter contracts or release persons taking them or sureties from performance of any conditions. (Mich. V 25.)

Contracts for, *See* PUBLIC CONTRACTS.

PUBLIC PROPERTY

For property of United States, See UNITED STATES — PROPERTY.

For property of counties or municipalities, See appropriate title.

ACCOUNT OF

To be given every three months and whenever called for by governor by all public boards, commissary-general, all superintending officers of public magazines and stores, all commanding officers of forts and garrisons. (Mass. Pt. II Ch. II Sec. I 12; N.H. II 56.)

APPROPRIATION OF

See also below, this title, GRANTS.

On final passage of act making, continuing or reviving any, three-fifths of elected members constitute a quorum and yeas and nays must be taken and entered on journals. (N.Y. III 25.)

For local or private purposes requires assent of two-thirds of members elected to each branch of legislature. (Iowa III 31; N.Y. III 20.)

BANKS AND BANK STOCK

See BANKS — STATE BANKS.

See BANKS — STATE INTEREST IN.

CANALS, *See* CANALS.

CONTRACTS, *See* PUBLIC CONTRACTS.

CONFISCATED PROPERTY

Heirs of may be released from taxes due at date of reversion to them. (La. 50.)

EDUCATIONAL FUNDS, *See* EDUCATION — FUNDS.

ELEVATORS

Legislature empowered to erect, purchase, or lease and operate one or more terminal grain elevators in the state, and provide for the inspection, weighing and grading of all grain received therein; also applies to elevators in Minnesota and Wisconsin. (N.D. XIV Amend. 1914.)

GIFTS TO STATE FOR RELIGIOUS PURPOSES

State not to accept property to be used for sectarian purposes. (Nebr. VIII 11; S.D. VIII 16.)

Principal of all funds arising from grants to state for religious purposes to be preserved undiminished, income to be applied to specific object of original grant. (Ohio VI 1.)

GRANTS

See also above, this title, APPROPRIATIONS.

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PUBLIC PROPERTY (*Cont'd*)

GRANTS (*Cont'd*)

Taxation affected by, *See* TAXATION — POWER TO TAX.

Law granting a donation or gratuity in favor of any person or object must have a majority of two-thirds members elect of each branch of legislature. (Miss. IV 66.)

Grant or donation of property never to be made by state to any hospital, asylum or other institution not under direct control of the state as a state institution, except those conducted for support of minor orphans or abandoned children or aged poor, such aid to be granted by uniform rule and the state to have the right at any time to inquire into management of such institution. (Cal. IV 22.)

Legislature not to make any to any charitable institution not owned or controlled by the state, except to non-sectarian institutions for the reform of youthful criminals. (Va. IV 67.)

Legislature not to grant any donation or gratuity in favor of any person, corporation or association. (Ga. VII 16.)

State never to make any donation or grant to any individual, association or corporation. (Mont. XIII 1.)

State not to make donation to or in aid of any individual, association or corporation, except for necessary support of poor. (N.D. XII 185; S.D. XIII 1; Wyo. XVI 6.)

Property of state not to be granted to or for any person or persons, association or corporation, public or private. (La. 58.)

Legislature not to have power to make or authorize making of any gift of any public thing of value to any individual, municipal or other corporation whatever, nor shall any grant or donation of public property ever be made to any corporation or association except aid pursuant to section 22 of this article. (Cal. IV 22, 31.)

Legislature shall have no power to grant or authorize any grant of public money or thing of value to any individual, association of individuals, municipal or other corporation whatever, this not to prevent aid in case of a calamity. (Mo. IV 46.)

State not to make any donation to or in aid of any person, association, public or private corporation, or in aid of any private enterprise for construction of any railroad, except as otherwise provided in constitution, but state may provide for care of sick or indigent persons. (N.M. IX 14.)

State not to make a donation or grant to or in aid of any corporation or company. (Colo. XI 2.)

State not to make a donation to any company, association or corporation. (Ky. 177.)

State not to make donation by gift, subscription to stock, by tax or otherwise to any company, association or corporation. (Okla. X 15.)

GRANTS FOR RELIGIOUS PURPOSE

Grants to sectarian schools, *See* EDUCATION — SECTARIAN SCHOOLS.

Property of state not to be appropriated for benefit of any religious sect or society, theological or religious seminary. (Mich. II 3; Tex. I 7.)

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PUBLIC PROPERTY (*Cont'd*)

GRANTS FOR RELIGIOUS PURPOSE (*Cont'd*)

Law making donation or grants for sectarian purpose not to be passed. (Miss. IV 66.)

Personal property or real estate never to be granted by state for any religious creed, church or sectarian purpose whatever. (Mo. XI 11.)

Public property not to be applied to or appropriated for any religious worship, exercise or instruction, or the support of any religious establishment. (Ariz. II 12; Utah I 4; Wash. I 11.)

Public property not to be appropriated, applied, donated or used for use, benefit or support of any sect, church, denomination or system of religion, or for any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution "as such". (Okla. II 5.)

Legislature not to make to any church or sectarian society, association or institution which is entirely or partly, directly or indirectly, controlled by any church or sectarian society. (Va. IV 67.)

No grant or donation of public property or real estate ever to be made by state for any religious creed, church or sectarian purposes whatever, except as provided in section 22, article IV. (Cal. IV 30.)

No grant or donation of land, money or other personal property ever to be made by state, to any church or for any sectarian or religious purpose. (Ida. IX 5.)

Grant or donation by state or any public corporation to any church or for any sectarian purpose or payment from any fund, in aid of church or sectarian society or for sectarian purpose or for any educational, literary or scientific institution controlled by a church or sectarian denomination forbidden. (Colo. IX 7; Ill. VIII 3.)

No property of the state to be given for the benefit of any sectarian or religious society, institution or sectarian school. (S.D. VI 3; VIII 16.)

Property of state never to be used by gift, donation, loan, contract, appropriation or otherwise in aid or maintenance of any college, school, hospital, orphan house or other institution, society or organization, wholly or in part controlled by any church or religious or sectarian denomination, society or organization. (S.C. XI 9.)

INSURANCE OF

Public buildings or property may be insured in mutual associations or companies. (Ohio VIII 6.)

LANDS, *See* PUBLIC LANDS.

LEASE

Canals, *See* CANALS — STATE CANALS.

Public lands, *See* PUBLIC LANDS — LEASE.

Water power, *See* WATERS — WATER POWER.

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PUBLIC PROPERTY (*Cont'd*)

LIENS ON RAILROADS

Lien of state on Illinois Central Railroad in accordance with charter not to be released, altered or remitted. (Ill. XIV I.C.R.R.)

Assembly to have no power to release or alienate if held by state, or change or pass any act explanatory thereof, but to be enforced in accordance with original terms. (Mo. IV 50.)

Legislature has no power to release or alienate any lien held by state on any railroad or in anywise change the tenor or meaning or pass any act explanatory thereof, but same to be enforced in accordance with original terms upon which acquired. (Tex. III 54.)

LOAN OF

Not to be loaned to or for any person or persons, association or corporation, public or private. (La. 58.)

OBLIGATIONS OWNED BY STATE

Debt, liability or other obligations of person or corporation due state not to be released by special, private or local laws. (Ariz. IV 19; Cal. IV 25; Ida. III 19; Mont. V 26; Nev. IV 20; N.D. II 69; Wash. II 28; Wyo. III 27.)

No special or local law to be passed relinquishing, extending or extinguishing, in whole or in part, any indebtedness or liability of any person or corporation to state. (N.M. IV 24.)

Legislature not to enact any local, special or private law remitting, releasing, postponing or diminishing any obligation or liability due state from any person, corporation or association. (Va. IV 63.)

Local or special laws releasing persons from obligations due state prohibited; unless recommended by governor or officers of treasury department. (Md. III 33.)

No bill which releases or commutes claim or demand of state shall be passed except by affirmative vote of majority of all members elected to each house; vote to be by yeas and nays and votes for and against entered on journal. (Va. IV 50.)

On passage of law which releases, discharges or commutes a claim or demand of state question to be by yeas and nays duly entered on journal and three-fifths of members elected to each house required for quorum. (N.Y. III 25; Wis. VIII 8.)

Legislature to have no power to release or extinguish, or authorize releasing or extinguishing, in whole or in part, indebtedness, liability or obligation of any corporation or individual to state. (Ill. IV 23; Ky. 52; La. 59; Mo. IV 51; Okla. V 53; Tex. III 55.)

No obligation or other liability of any railroad or other corporation held or owned by state ever to be exchanged, transferred, remitted, postponed or in any way diminished by legislature, or released except by payment into state treasury. (Ark. V 33, XII 12.)

No obligation or liability of any person, association or corporation held or owned by state ever to be remitted, released or postponed or in any way diminished by legislature, except by payment into proper treasury, or exchanged or transferred except upon payment

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PUBLIC PROPERTY (*Cont'd*)

OBLIGATIONS OWNED BY STATE (*Cont'd*)

of its face value; but this not to prevent legislature from providing by general law for compromise of doubtful claims. (Ala. IV 100; Miss. IV 100.)

Legislature to have no power to release or extinguish in whole or in part indebtedness, liability or obligation of any person or corporation to state. (S.D. III 24; Utah VI 27.)

Corporate obligations held or owned by the state not to be transferred or released except by payment into state treasury. (Pa. III 24.)

No obligation or liability, of any person, association or corporation, held or owned by state ever to be transferred, remitted, exchanged, released or postponed or in any way diminished by legislature, or extinguished except by payment into proper treasury. (Colo. V 38; Mont. V 39; Wyo. III 40.)

Same; adding court proceedings. (N.M. IV 32.)

Legislature not to release county or taxable property therein from obligation to repay to state moneys expended by state by reason of its assumption of debts and liabilities of such county at time of admission. (N.M. IX 5.)

PLEDGE

Not to be pledged to or for any person or persons, association or corporation, public or private. (La. 58.)

PUBLIC BUILDINGS

Bonds for, *See* STATE DEBT — PURPOSE — PUBLIC BUILDINGS.

Governor's residence, *See* GOVERNOR — RESIDENCE.

Grants o public land for

See PUBLIC LANDS — SALE — PROVISION FOR.

See PUBLIC LANDS — TRUSTS IN.

State institutions, county or municipal buildings, *See appropriate titles.*

Construction, care and preservation of all, not under control of board of officers of public institutions, to be intrusted to officers and boards and under regulations prescribed by law. (Wyo. VII 22.)

Laws relating to public buildings and improvements excepted from provision that no laws be enacted to take effect on approval of any authority other than legislature. (Ky. 60.)

SALE

Canals, *See* CANALS — STATE CANALS.

Public lands, *See* PUBLIC LANDS — SALE.

Board of public works may sell state's interest in all works of internal improvement, whether as stockholder or creditor, also state's interest in any banking corporation, receiving in payment bonds and registered debt now owing by state, equal in amount to price obtained for state's said interest. (Md. XII 3.)

Proceeds of sale of any railroad or other property of state to be used for payment of the public debt and no other purpose as long

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PUBLIC PROPERTY (*Cont'd*)

SALE (*Cont'd*)

as state has debt, except that in case of one railroad mortgaged to secure certain bonds, proceeds of its sale to be applied thereon. (Ga. VII Sec. XIII 1.)

SCHOOL FUND, *See* EDUCATION—FUNDS.

STATE OWNERSHIP FORBIDDEN

Banks and bank stock

See BANKS — STATE BANKS.

See BANKS — STATE INTEREST IN.

State not to become stockholder in any corporation. (Iowa VIII 3.)

Legislature not to have power to authorize state to subscribe for or to become stockholder in any corporation. (Cal. IV 31.)

State not to be joint owner or stockholder in any company. (Ohio VIII 4.)

State not to become stockholder in any association or corporation. (Ida. VIII 2; Miss. XIV 258.)

State not to become subscriber to or owner of capital stock of any association or corporation. (S.D. XIII 1.)

Not to subscribe to or become owner of capital stock of any association or corporation. (Ark. XII 7; N.D. XII 185; Wyo. XVI 6.)

State not to become stockholder in any corporation or association. (Ind. XI 12.)

Not to purchase or subscribe to stock of or become part owner in any corporation or association, or for any private enterprise. (La. 58.)

State not to become joint owner or stockholder in any company or association. (W.Va. X 6.)

State not to become joint owner or stockholder in any company, association, or corporation. (Ga. VII Sec. V 1; S.C. X 6.)

Becoming joint owner or stockholder in any company, association or corporation forbidden. (Fla. IX 10; Pa. IX 6.)

State not to become owner or stockholder in any company, association or corporation. (Ky. 177.)

State not to subscribe to or be interested in stock of any company, association or corporation. (Cal. XII 13; Mich. X 13; Okla. X 15; Ore. XI 6; Wash. XII 9.)

State not to become "stockholder with others in any association, company, corporation, or municipality". (Tenn. II 31.)

Not to subscribe to or become interested in "stock or obligations" of company, association or corporation "for the purpose of aiding in the construction or maintenance of its work". (Va. XIII 185.)

Legislature not to authorize state to subscribe to stock or bond in aid of any railroad, telegraph, or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

State not to subscribe to or be interested in stock of any company, association or corporation except corporations formed for educational or charitable purposes. (Nev. VIII 9.)

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PUBLIC PROPERTY (*Cont'd*)

STATE OWNERSHIP FORBIDDEN (*Cont'd*)

Legislature not to subscribe or authorize subscription on behalf of state, in any corporation or association except to secure loan heretofore extended to certain railroad corporations by the state. (Mo. IV 49.)

State not to become subscriber to or shareholder in any company or corporation, or a joint owner with any person, company or corporation except as to such ownerships as may accrue to state by operation or provision of law. (Ariz. IX 7; Mont. XIII 1.)

State not to become subscriber to or shareholder in any company or corporation, or joint owner with any person, company or corporation, "public or private" in or out of state except such ownership as accrues to state by escheat "or by forfeiture by operation or provision of law"; or such ownership as accrues to state jointly with any person or corporation by forfeiture or sale of real estate for non-payment of taxes or devise for public use or purchase under execution in cases of crimes, penalties or forfeiture or recognizance, breach of official bonds, or of bonds to secure public moneys or performance of contracts in which state jointly or severally interested. (Colo. XI 2.)

STATIONERY AND SUPPLIES

Contracts for, *See* PUBLIC CONTRACTS — SPECIAL CONTRACTS.

Purchased as may be provided by law. (Ohio XV 2.)

TAXATION

See TAXATION — EXEMPTIONS — PUBLIC PROPERTY.

See TAXATION — EXEMPTIONS — STATE PROPERTY.

TERRITORIAL

Of territory becomes property of state. (Ida. X 4; Utah XIX 1; Wyo. VII 21.)

TRUSTS

See also EDUCATION — FUNDS.

All trust funds held by state to remain inviolate and applied exclusively to purposes of trust. (Ind. VIII 7.)

State accepts all grants of land and donations of money made by United States under the provisions of Enabling Act, and any other acts of Congress, for uses and purposes, upon conditions, and under limitations for which granted or donated; faith of state pledged to preserve such lands and moneys and all moneys derived from sale of any lands as a sacred trust, and to keep the same for uses and purposes for which granted or donated. (Okla. XI 1.)

All land, money or other property donated, granted or received from United States or any other source for educational or charitable institution or purpose, and proceeds of all such lands and other property to be and remain perpetual funds, interest and income of which, together with rents of all lands unsold, to be inviolably appropriated and applied to specific objects of original grants or gifts; principal of every fund may be increased but never dimin-

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PUBLIC PROPERTY (*Cont'd*)

TRUSTS (*Cont'd*)

ished and interest and income only used; every such fund deemed a trust fund held by state, state to make good all losses thereof. (N.D. IX 159; S.D. VIII 7.)

Legislature to have power to receive from United States any grant or donation of land, money, or securities for any purpose designated by United States, and to administer or distribute the same according to conditions of grant. (Md. III 46.)

State accepts lands and money granted and donated by Congress to state, for educational and other objects with limitations and conditions or imposed by act making grant or donation; proceeds of sale or rental of lands or property received from United States or other source inviolably applied to purpose specified in grant or gift. (Wyo. XVIII 1, 2.)

The natural oyster beds, rocks, and shoals, in the waters of this state, not to be leased, rented or sold, but to be held in trust for benefit of people of this state subject to such regulations and restrictions as general assembly may prescribe, but general assembly may, from time to time, define and determine such natural beds, rocks or shoals by surveys or otherwise. (Va. XIII 175.)

WATERS, *See* WATERS — PUBLIC PROPERTY.

PUBLIC PURPOSES, *See* "EMINENT DOMAIN", "WATERS", "TAXATION", "STATE DEBT".

PUBLIC RECORDS

Military records, *See* MILITARY RECORDS, BANNERS AND RELICS.

To be conducted, promulgated and preserved in English language. (La. 165; Mich. XVI 6.)

Official writings to be preserved and published in no other than English language. (Cal. IV 24; Ill. Sched. 18.)

To be kept at seat of government by officers in whom executive authority of state vested. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Mo. V 1; Mont. VII 1; Nebr. V 1; N.M. V 1; Okla. VI 1; Ore. VI 5; Utah VII 1; Wash. III 24; W.Va. VII 1.)

Secretary of state to keep records of the state. (Me. V Pt. III 2; Mass. Pt. II Ch. II Sec. IV 2; N.H. II 67.)

Secretary of state to keep and preserve record of all official acts and proceedings, open to inspection of committee of either house of legislature. (Md. II 23.)

Secretary of state to keep public records and documents, particularly the acts, resolutions and orders of the legislature and record them. (Conn. IV 18.)

Secretary of state to keep record of official acts of legislative and executive departments, and when required lay same and matters relative thereto before either house of legislature. (Cal. V 18; Fla. IV 21; Nev. V 20; Ore. VI 2; Utah VII 16; Wash. III 17; Wis. VI 2.)

Secretary of state to keep record of official acts and proceedings of governor and council, and legislature, and when required lay same before either branch of legislature. (Me. V Pt. III 4.)

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PUBLIC RECORDS (*Cont'd*)

Secretary of state to keep record of official acts and proceedings of governor and when required lay same and papers relative thereto before legislature. (Ark. VI 21; Miss. V 133; Tenn. III 17.)

Secretary of state to keep record of all official acts and proceedings of governor; when required lay same and papers relating thereto before either branch of legislature. (Del. III 10; Ky. 91; Pa. IV 18; Tex. IV 21.)

Secretary of state to keep record of official acts of governor, attest them and lay copies and copies of papers relating thereto before either house when required. (Mo. V 21.)

Secretary of state to keep daily record of official acts of governor, signed by governor and attested by secretary, and when required, lay same with papers pertaining to his office before either house of legislature. (Va. V 80.)

Secretary of state to keep record of official acts of governor, and attest them; when required lay copies of same and papers relating thereto before either branch of legislature. (Ala. V 134; Okla. VI 17.)

PUBLIC SERVICE COMMISSIONS

For purposes of comparison, all public service commissions, however officially designated, are placed under this title. While these official designations are various, the general scope of powers and duties is about the same in all cases and hence it has not been thought necessary to use the official designation of the commission in any particular instance but simply to refer to it as "commission". For the designation prescribed by law, if any, See below, this title, CREATION.

ACCOUNTING SYSTEMS

Commission may prescribe systems of keeping accounts to be used by public service corporations. (Ariz. XV 3.)

Commission may prescribe uniform system of accounts to be kept by all railroads and other transportation companies. (Cal. XII 22.)

APPEAL FROM COMMISSION

Decision of commission on right to raise rate is not reviewable except on question of confiscation. (Cal. XII 20.)

If supersedeas granted and suspending bond given, appealing company must keep account, pending disposition, of disputed amounts collected; additional security on suspending bond may be required. (Okla. IX 21; Va. XII 156 e.)

May be taken by removing case to supreme court, either by commission or interested party. (N.M. XI 7.)

May be taken only to supreme court; no other court has jurisdiction. (Okla. IX 20; Va. XII 156d.)

New evidence not permitted; commission to certify evidence; supreme court to consider reasonableness and justness; commission's action deemed *prima facie* correct, but court may remand any case for further investigation. (Okla. IX 22; Va. XII 156f.)

New evidence permitted on application of either party or supreme court's own initiative but not where commission alone has removed case. (N.M. XI 7.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

APPEAL FROM COMMISSION (*Cont'd*)

On any action prescribing rates, charges, classifications, affecting train schedules, requiring additional facilities, etc., or requiring additional security on appeal, an appeal to supreme court may be taken, as provided by law. (Okla. IX 20; Va. XII 156 d.)

On assessment and ascertainment of tax on a corporation may be taken within 30 days of receipt of certified copy thereof to circuit court of city of Richmond; notice of application, giving grounds of complaint, verified by affidavit, to be served on commission. (Va. XIII 180.)

Precedence on supreme court calendar, after habeas corpus and state cases. (Okla. IX 21; Va. XII 156 e.)

Precedence on supreme court calendar and court always in session for such cases. (N.M. XI 7.)

Until otherwise provided by law, appeal taken to supreme court as from district courts, except it is of right and supreme court may make special rules. (Okla. IX 20; Va. XII 156 d.)

Right of appeal from rulings of commission not denied by constitution but rulings remain in force pending appeal. (Ariz. XV 17.)

Right of commission to enforce other rates, classifications, regulations, etc., based on different circumstances from those on which an appeal has been taken, is not affected by the pendency of such appeal. (Okla. IX 23; Va. XII 156 g.)

Supersedeas may be awarded by supreme court; suspending bond required to prevent order as to rates, classification, etc., taking effect. (Okla. IX 21; Va. XII 156 e.)

Supreme court, in reversing commission, to substitute its own order which has effect as of time of entry of reversed order; otherwise reversal order not valid. (Okla. IX 23; Va. XII 156 g.)

ATTORNEYS

Attorney-general and district attorneys must aid commission for which they are to receive not over 25 per cent. of fines and forfeitures collected; but commission may employ other attorneys on like terms. (La. 288.)

Attorney-general, or his authorized representative, to be attorney for the commission. (N.M. XI 4.)

BONDS

Commission to ascertain outstanding bonds, debentures and indebtedness, and various detailed facts concerning same, of every railroad and public service corporation in state. (Okla. IX 29.)

Plan of proposed issue must be submitted, under oath, in detail, to commission, which enforces penalties for failure to submit or to comply with other provisions of law. (Va. XII 167.)

BOOKS AND RECORDS, INSPECTION OF

Commission has right at all times to inspect books and papers of all transportation and transmission companies doing business in state. (Okla. IX 18; Va. XII 156 b.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

BOOKS AND RECORDS, INSPECTION OF (*Cont'd*)

Commission has right at all times to inspect books, papers and records of all transportation and transmission companies and common carriers doing business in state. (N.M. XI 11.)

Commission has right to examine books, records and papers of all railroad and other transportation companies. (Cal. XII 22.)

Commission has right to inspect and investigate books and affairs. (Ariz. XV 4.)

Commissioners, or any of them, or their employees, have right at such times as they deem necessary to inspect books and papers of railroads or other public service corporations; penalty on railroad for refusal, $125 to $500 per day and officers or other person refusing also punishable as prescribed by law. (Okla. IX 28.)

In hearings before commission, *See below, this title,* TAKING TESTIMONY.

CHARTERS, *See below, this title,* ISSUE OF CHARTERS AND LICENSES.

COMMISSIONERS

For provisions relating to all public officers, See PUBLIC OFFICERS.

Chairman

Elected by commission. (Okla. IX 18a.)

Elected by commission, annually. (N.M. XI 4; Va. XII 155.)

Compensation

Fixed at $2,000, until otherwise provided by law; not to be increased or diminished during period for which elected, and fees and profits to be covered into treasury. (N.D. III 84.)

Fixed at $3,000, payable quarterly; legislature to provide funds for traveling expenses. (N.M. XI 5.)

Until otherwise provided, $3,000, payable monthly on commissioner's warrant, and actual traveling expenses, payable on sworn warrant of chairman. (La. 287.)

Fixed at $3,000, and expenses, when away from home, until otherwise provided by law. (Ariz. XV 18.)

Fixed at $4,000 until otherwise provided by law. (Okla. Sched. 15.)

Legislature to fix salaries but not to be less than $4,000 per annum. (Va. XII 155.)

Until otherwise provided by law, to receive the same compensation as allowed existing railroad commissioners. (Ky. 209; S.C. IX 14.)

Legislature to fix salaries but pending action same to remain as now fixed by law for present commissioners. (Cal. XII 22.)

Fixed by legislature. (Nebr. V 19 A.)

Impeachment

See also IMPEACHMENT.

For "high crimes and misdemeanors, for non-feasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness". (La. 217.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

COMMISSIONERS (*Cont'd*)

Impeachment (*Cont'd*)

For malfeasance in office, corruption, neglect of duty or other high crime or misdemeanor; in manner provided for judge of highest court. (Va. IV 54, XII 155.)

Manner of Selection

Appointed by governor from state at large but legislature may divide state into districts, for the purpose of such appointments, as nearly equal in population as possible. (Cal. XII 22.)

Elected at first general state election at which governor is voted for and one every two years thereafter. (Ariz. XV 1.)

Elected at same times and places as members of legislature. (N.D. III 82.)

Elected at general election for state officers, one every two years. (Okla. IX 15; Tex. XVI 30.)

Elected by plurality, one from each of three "railway commission districts" in which state is directed to be divided, at time of congressional election. (La. 283, 289.)

Elected, one being chosen at each general election. (N.M. XI 2.)

Elected, one every two years. (Nebr. V 19 A.)

Elected, one in each "superior court district" at same time as governor; legislature may change such districts to equalize population or may require election of commissioners by qualified voters of state at large. (Ky. 209.)

Manner of election to be regulated by law. (S.C. IX 14.)

Misconduct in Office

Legislature to enact laws to prevent non-feasance and misfeasance in office and impose proper penalties therefor. (Ky. 209.)

Removal for, *See below, this subdivision*, REMOVAL.

Number

Three. (Ariz. XV 1; Ky. 209; La. 283; Nebr. V 19 A; N.M. XI 1; N.D. III 82; Okla. IX 15; Tex. XVI 30; Va. XII 155.)

Not less than three. (S.C. IX 14.)

Five. (Cal. XII 22.)

Oath of Office

Shall take, in addition to constitutional oath of office, oath as to non-interest in certain named classes of companies and as to execution and enforcement of laws relating to corporations; oath to be filed with secretary of state. (Okla. IX 17.)

Passes or Reduced Rates

Commissioners and officers of commission, engaged in official duties, shall be transported free by transportation companies. (Va. 155.)

Commissioners and officers of commission may be granted passes or reduced rates for their personal use while in office by transportation or transmission companies. (Va. 161.)

Commissioners do not forfeit office by accepting passes or reduced fare. (Cal. XII 19.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)
COMMISSIONERS (*Cont'd*)
Passes or Reduced Rates (*Cont'd*)
Commissioners exempt from proviso against railroad granting pass or reduced fare. (Miss. VII 188.)
During term of office not to accept, hold or use free pass or purchase, receive or accept transportation over railroad within state, for himself or family on terms not open to general public, and person convicted of violation to forfeit office, be guilty of felony and on conviction punished by fine of not more than $1,000 or by imprisonment in penitentiary not less than one nor more than five years. (N.M. XX 14.)
Qualifications and Disqualifications
May be prescribed by law. (Ariz. XV 1.)
Qualified electors of state and of district from which elected. (Cal. XII 22.)
Thirty years of age, citizen of state two years, resident of district from which chosen one year next preceding election. (Ky. 209.)
Twenty-five years of age, citizens of United States and having qualifications of state electors. (N.D. III 82.)
Resident citizens of state for over two years next preceding election, qualified voters, not less than 30 years of age. (Okla. IX 16.)
Not to hold other office under federal or any state government or to engage in any occupation or business inconsistent with his duties. (Okla. IX 16.)
At least one commissioner shall have qualifications prescribed for judges of supreme court. (Va. XII 155.)
Persons in employ of or holding official relation to, also person owning stock or bonds of or otherwise pecuniarily interested in any person, firm or corporation subject to regulation by commission, not to be appointed to or hold office of commissioner. (Cal. XII 22.)
Being in service of railroad or common carrier company, corporation, firm or association, or pecuniarily interested in same, or in railroad business, or as common carrier renders such person ineligible to hold office. (Ky. 209.)
No person in service of or attorney for railway, express, telephone, telegraph, steamboat, or other water craft, sleeping-car company or corporation or pecuniarily interested therein may be a commissioner. (La. 288.)
No officer, agent, employee or person financially interested in transportation or transmission company may be a commissioner. (N.M. XI 3.)
No commissioner can act in matter in which he is interested as principal, agent or attorney. (N.M. XI 3.)
Interest in railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping-car line, car association, express line, telephone or telegraph line, operated for hire, or in

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

COMMISSIONERS (*Cont'd*)

Qualifications and Disqualifications (*Cont'd*)

stock, bond, mortgage, security or earnings of same or of compress or elevator companies, renders person ineligible to hold office of commissioner; becoming voluntarily so interested vacates office, and involuntary interest to be divested within reasonable time or office vacated. (Okla. IX 16.)

Employment by, holding office in relation to, or financial interest in, transportation or transmission company, or practice of law disqualifies such person from holding office. (Va. XII 155.)

Removal

For high crimes and misdemeanors, non-feasance or malfeasance in office, incompetency, corruption, favoritism, extortion or oppression in office, gross misconduct and habitual drunkenness, by district court of domicile; detailed provisions for bringing suit, costs, appeals, etc.; suit does not operate as suspension from office. (La. 222.)

Legislature by two-thirds vote of all members elected to each house may remove commissioner for dereliction of duty, corruption or incompetency. (Cal. XII 22.)

Legislature may remove commissioners by proceedings as in case of judges of supreme court. (Ky. 209.)

In manner provided for judge of highest court. (Va. XII 155.)

Voluntary interest, or involuntary interest not divested within a reasonable time, in certain enumerated public service companies vacates office. (Okla. IX 16.)

Impeachment, *See above, this subdivision*, IMPEACHMENT.

As Representative of Commission

Any member may sit alone whose acts, confirmed by commission, are acts of commission. (Cal. XII 22.)

"Several members" of commission have power to investigate property, books, affairs, etc., of corporation offering stock for sale to public or of public service corporations doing business in state. (Ariz. XV 4.)

"Several members" of commission have powers of a court of general jurisdiction to enforce attendance and compel production of evidence, throughout state. (Ariz. XV 4.)

Term

Elected "for the same term as the governor". (Ky. 209.)

To be regulated by law but not to commence until after expiration of term of present commissioners. (S.C. IX 14.)

Two years and until successor qualified. (N.D. III 82.)

Six years. (Ariz. XV 1; Cal. XII 22; La. 283; Nebr. V 19 A; N.M. XI 2; Okla. IX 15; Tex. XVI 30; Va. XII 155.)

Vacancy

Governor to fill vacancy until successor elected and qualified. (Ariz. XV 1; Cal. XII 22.)

Governor to fill vacancy until next general election. (Tex. XVI 30.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)
COMMISSIONERS (*Cont'd*)
Vacancy (*Cont'd*)
Governor to fill vacancy for unexpired term, subject to confirmation by legislature; appointee may not enter upon or continue in office if legislature has refused to confirm appointment or adjourned *sine die* without action thereon, nor may he be reappointed to fill vacancy caused by such refusal or failure. (Va. XII 155.)
Governor to fill vacancy by appointment till next general election, when successor shall be elected for unexpired term. (Okla. IX 15.)
Governor to appoint where unexpired term ends at next general election and until second general election where vacancy occurs within three months of a general election; any balance of term to be filled at said general election. (Ky. 209.)
After January 1, 1908, vacancies filled at next general election held not less than 60 days after vacancy occurs; appointment as elsewhere prescribed may be made for period to terminate 20 days after said election. (Va. XII 155.)
CONNECTIONS AND CROSSINGS
Commission may prescribe terms or give order or permission for railroad to intersect, connect with or cross other railroads. (N.M. XI 17.)
Commission to regulate receipt and transportation of each other's cars, tonnage and passengers by railroads, car and express companies. (N.M. XI 15.)
CONSOLIDATIONS
Commission alone can permit a corporation to participate in control of a competitive corporation in which it holds stock. (Okla. IX 41.)
Foreign or domestic railroad, transportation or transmission company may lease, sell or otherwise dispose of property and franchises or may lease, buy or otherwise acquire and operate property and franchise of like company, with consent of commission, in writing; legislature may impose additional restrictions. (Okla. IX 9.)
Parallel or competing public service corporations may not consolidate stock, property or franchises or otherwise control each other except by enactment of legislature on recommendation of commission. (Okla. IX 8.)
CONTEMPTS
Commission and each of commissioners may punish for contempt in same manner and to same extent as courts of record. (Cal. XII 22.)
Commission may punish for contempt any person guilty of disrespectful or disorderly conduct in presence of commission while in session. (Okla. IX 19; Va. XII 156 c.)
Commission may punish for contempts as fully as is provided for district courts. (La. 284.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

CONTEMPTS (*Cont'd*)

Commission may, through district or supreme court, punish for contempt. (N.M. XI 7.)

CREATION

"Corporation commission" is hereby created. (Ariz. XV 1; Okla. IX 15.)

Legislature may delegate power to fix reasonable maximum freight and express rates to "a commission created by law". (Mich. XII 7.)

Legislature may establish within, and subject to control of, state corporation commission, subordinate divisions of insurance, banking or other special branches. (Va. XII 155.)

Legislature to correct abuses, prevent unjust discrimination and excessive charges by railroads, canals and turnpike companies, through "such offices and commissions" as necessary. (Ark. XVII 10.)

Legislature to enact laws for supervision of common carriers, "by commission or otherwise". (Miss. VII 186.)

"Proper boards, commissions or officers" may have conferred upon them supervisory and regulatory powers over organization, business and issue and sale of stocks and securities (of domestic corporations) and over business and sale of stocks and securities of foreign corporations and joint-stock companies, as may be prescribed by law. (Ohio XIII 2.)

"Railroad and transportation commission" may be established and powers and duties defined by law. (Wash. XII 18.)

"Railroad commission" created (although only "railroad commissioners" specifically mentioned). (Cal. XII 22.)

"Railroad commission" impliedly authorized by provisions for its personnel, "when * * * created by law". (Tex. XVI 30.)

"Railroad, express, telephone, telegraph, steamboat and other water craft and sleeping car commission" is hereby created to be known as "railroad commission of Louisiana". (La. 283.)

"State corporation commission", a permanent commission, is hereby created. (N.M. XI 12; Va. XII 155.)

"State railway commission" created. (Nebr. V 19 A.)

"The railroad commission" is hereby established. (Ky. 209; S.C. IX 14.)

Three "commissioners of railroads" (elsewhere called "board of railroad commissioners") to be elected by the people. (N.D. III 82, 142.)

EMINENT DOMAIN

Legislature may give commission power to fix compensation in eminent domain cases involving state, county or municipality. (Cal. XII 23 a.)

EMPLOYEES OF COMMISSION

Commission may appoint a secretary at $1,500 per annum and actual traveling expenses. (La. 283, 287.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

EMPLOYEES OF COMMISSION (*Cont'd*)

Commission may employ experts to assist in obtaining information required concerning railroads and other public service corporations. (Okla. IX 29.)

Commission to have one clerk, one bailiff and such other subordinates as provided by law; salaries to be fixed by legislature. (Va. XII 155.)

Commission to have one clerk, and such other subordinates as provided by law, appointed and removed by commission; salaries to be fixed by legislature. (N.M. XI 4.)

Same; adds one bailiff. (Va. XII 155.)

Legislature may provide additional clerical or other assistance to commission. (La. 288.)

Officers of commission exempted from prohibition on transportation or transmission companies furnishing passes or reduced rates, if for their personal use while in office. (Va. XII 161.)

Officers of commission, engaged in official duties, shall be transported free by transportation companies. (Va. XII 155.)

EXECUTION OF LAWS

Provisions of constitution and of laws relating to corporations carried out by commission. (N.M. XI 6; Va. XII 156 a.)

EXPENSES

Legislature to provide for lawful expenses, including pay of witnesses summoned and costs of executing processes. (N.M. XI 5; Va. XII 155.)

Legislature to provide for traveling expenses of commission. (N.M. XI 5.)

FEES, COLLECTION OF

All fees required by law to be paid for filing articles of incorporation, reports and other documents collected by commission and paid into state treasury. (N.M. XI 6.)

Commission to enforce fines and penalties prescribed by constitution on corporations delinquent in paying required fees. (Va. XII 157.)

AS FILING OR RECORDING OFFICE, *See below, this title,* OFFICE.

FINES AND PENALTIES

For fines and penalties relating to a particular subject, See throughout this title.

Commission may enforce its rules, regulations and orders by fines of $100 to $5,000, recoverable before any court of competent jurisdiction. (Ariz. XV 19.)

Commission may enforce order or requirement by fine not exceeding $500 or greater sum if authorized by law; each day's continuance a separate offense. (Okla. IX 19; Va. XII 156 c.)

Legislature may add other penalties to make work of commission effective. (La. 288.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

HEARINGS

Commission may hold regular or special hearings elsewhere than state capitol, as necessary. (La. 283.)

General order, rule, regulation or requirement, not to be made until notice first published not less than once a week for four consecutive weeks in newspaper published in capital of time and place where objections will be heard by any person interested. (Okla. IX 18; Va. XII 156 b.)

No decision or order to be made by commission except after public hearing held on 10 days' notice, except on default. (N.M. XI 8.)

Rate, classification, order, etc., not to be made against one or more companies by name except on at least 10 days' notice of time and place of hearing thereon, and a reasonable opportunity to introduce evidence and be heard; companies to have process to enforce attendance of their witnesses. (Okla. IX 18; Va. XII 156 b.)

INVESTIGATION OF INDEBTEDNESS

Outstanding bonds, debentures and indebtedness of railroads and other public service corporations to be ascertained (in prescribed detail) by commission, reported to attorney-general and duplicate report filed with state examiner and inspector for public use, and information printed, from time to time, in annual report. (Okla. IX 29.)

ISSUE OF CHARTERS AND LICENSES

Charters to domestic corporations and licenses to foreign corporations, subject to constitution and provisions of law, issued through commission. (N.M. XI 6; Va. XII 156 a.)

Foreign corporations must obtain a license to do business from commission, before doing business. (Ariz. XIV 17; Va. XII 157.)

Sole power to issue certificates of incorporation and licenses to foreign corporations in commission. (Ariz. XV 5.)

LICENSES, *See above, this title,* ISSUE OF CHARTERS AND LICENSES.

MANDAMUS, WRIT OF

Lies from supreme court to commission where it would lie to any inferior court or officer. (Okla. IX 20; Va. XII 156d.)

MEDIATION

Upon request of parties, commission to adjust claims and settle controversies, as far as possible, between transportation or transmission companies and patrons or employees. (Okla. IX 18; Va. XII 156 b.)

MEETINGS, *See above, this title,* HEARINGS.

OFFICE

Articles of incorporation must be filed by corporation with corporation commission before business is begun. (Ariz. XIV 8.)

Charters, papers and documents relating to corporations transferred from all territorial offices to office of commission. (N.M. XI 6.)

Chief office of commission and residence of commissioners to be at state capital. (Ariz. XV 1.)

Commission shall have its domicile at Baton Rouge (state capital). (La. 283.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

OFFICE (*Cont'd*)

Commissioners shall hold their office at seat of government. (N.D. III 82.)

Legislature to provide suitable quarters for commission. (N.M. XI 5; Va. XII 155.)

Records of former corporation commission and board of public works transferred to new commission. (Va. XII 156 k.)

Required to keep office open for business every day except Sundays and legal holidays. (Va. XII 155.)

OIL PIPE COMPANIES

Subject to reasonable regulation and control of commission which may regulate receipt and transportation of each other's commodities. (Okla. IX 4.)

OPERATION AND SERVICE OF CARRIERS

Power of commission extends to operations of certain enumerated classes of carriers within the state. (La. 286.)

PHYSICAL CONDITION

Commission must keep informed of physical condition of railroads, as to manner in which operated, for security and accommodation of public. (Okla. IX 18; Va. XII 156 b.)

Commission may require depots, switches and appurtenances of railroads and require tracks and bridges to be kept in safe condition. (La. 284.)

PHYSICAL VALUATION

Commission to ascertain, and make a public record, cost of construction and equipment per mile, and of right of way and cost of replacement of all physical properties of every railroad and public service corporation in state. (Okla. IX 29.)

Commission to ascertain fair value of property within state of every public service corporation doing business therein and to be aided by latter in so doing. (Ariz. XV 14.)

POWERS AND DUTIES

For powers and duties relating to a particular subject, See throughout this title.

Authority of commission, in other matters than rates, charges and classifications, subject to superior authority of legislature to legislate thereon by general laws. (Okla. IX 18; Va. XII 156 b.)

Commission has powers of a court of record for specified purposes; may be given additional powers by law with reference to control, rates, assessments or taxation of corporations. (Okla. IX 19; Va. XII 156 c.)

Commission's powers and duties to be fully defined by law (if commission is created). (Wash. XII 18.)

Commissioners' powers and duties to be prescribed by law. (N.D. III 83.)

Commission's powers and duties to be prescribed by law but until otherwise provided to be same as in case of existing commissioners. (Ky. 209.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

POWERS AND DUTIES (*Cont'd*)

Commission's powers and duties over transporting and transmitting corporations to be regulated by law but until otherwise provided to be same as in case of existing railroad commissioners. (S.C. IX 14.)

Commission's powers and duties to include regulation of rates, service and general control of common carriers, as prescribed by law, but in absence of specific legislation may exercise said powers and duties. (Nebr. V 19 A.)

Commission's powers extend not only to transportation but to service and operations of enumerated classes of carriers within state. (La. 286.)

Commission succeeds to rights and powers of railroad commissioner and board of public works. (Va. XII 156 a.)

Commission to have power and duty of supervising, regulating and controlling all transportation and transmission companies in all matters relating to performance of their public duties, and their charges therefor, to correct abuses and to establish rules and regulations for these purposes. (Okla. IX.18; Va. XII 156 b.)

Commission to make reasonable rules, regulations and orders to govern public service corporations and to provide for convenience, safety and health of employees and patrons thereof. (Ariz. XV 3.)

Control over public utilities previously vested in county, city and town authorities transferred to commission. (Cal. XII 23.)

Incorporated towns and cities may be authorized to exercise supervision over public service corporations doing business therein, including rate regulation. (Ariz. XV 3.)

Legislature may enlarge powers and duties or confer other powers and duties and permit additional assistance for their duties. (La. 288.)

Legislature may clothe any railroad commission with judicial powers in all matters connected with functions of their office. (Fla. V 35.)

PROCEDURE

Commission has powers of a court of record; may enforce own process and sit as a court. (Okla. IX 19; Va. XII 156 a.)

Commission has power to administer oaths and to certify to their official acts. (N.M. XI 11.)

Commission may adopt and enforce such modes of procedure as it may deem proper for the discharge of its duties. (La. 284.)

Commission's orders are enforced through supreme court, which is given all necessary powers for such purposes. (N.M. XI 7.)

"Law making power" may prescribe rules and regulations to govern proceedings of commission; until so done commission may itself do so. (Ariz. XV 6.)

Permanent record kept of all proceedings and of reports made to or by commission. (Va. XII 155.)

Powers of a court of record to administer oaths, compel attendance of witnesses and production of papers, punish contempts, adjudge,

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

PROCEDURE (*Cont'd*)

after sitting as a court and hearing evidence, fines and penalties and enforce its own process. (Okla. IX 19; Va. XII 156 c.)

Rules and procedure prescribed by commission except as prescribed by constitution or amendments; sessions public. (N.M. XI 4; Va. XII 155.)

Testimony, *See below, this title,* TAKING TESTIMONY.

PROHIBITION, WRIT OF

Lies from supreme court to commission where it would lie to any inferior court or officer. (Okla. IX 20; Va. XII 156 d.)

PUBLICATION OF ORDERS

Commission to publish all general orders, regulations, etc., at least once a week for four consecutive weeks and notice of time and place of hearing in one or more newspapers of general circulation of Richmond (state capital). (Okla. IX 18; Va. XII 156 b.)

QUORUM

Commission acts by majority; any member may sit alone whose acts, confirmed by commission, are acts of commission. (Cal. XII 22.)

Majority of commission a quorum and majority of commission must concur to decide any question. (Okla. IX 18a.)

Two a quorum, whether a vacancy or not. (Va. XII 155.)

RATES

Authority of commission, subject to review on appeal, to prescribe rates, charges and classifications for transportation and transmission companies is, "subject to regulation by law", paramount, but in other matters subject to superior authority of general laws. (Okla. IX 18; Va. XII 156 b.)

Decision of commission on right to raise rate is not reviewable except on question of confiscation. (Cal. XII 20.)

Interstate rates of transportation and transmission companies to be watched by commissioners and where same discriminate against citizens of state, commission to institute cases before federal authorities. (Okla. IX 32.)

Same; adds "common carriers". (N.M. XI 9.)

May, after investigation, authorize common carrier or operator of a railroad to charge less for longer than for shorter distances, and prescribe extent of such relief. (Ky. 218.)

May authorize transportation or transmission companies to disregard "large and short haul" provision to or from junctional or competitive points or where competition of points in other states make necessary to protect commerce of state. (Okla. IX 30; Va. XII 160.)

Same; adds "common carriers". (N.Y. XI 10.)

Same; except reads "railroads" only. (S.C. IX 5.)

May exempt railroad from limitation of passenger fare of two cents per mile upon proof that just compensation cannot be earned at that rate. (Okla. IX 37.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

RATES (*Cont'd*)

Power and duty given commission to establish rates for passengers or freight by railroad or other transportation company, and to publish same with charges they may make. (Cal. XII 22.)

Power and duty given commission to make and change reasonable and just railroad, steamboat and other water craft, sleeping car, express, telephone and telegraph rates and charges. (La. 284.)

Power and duty given commission to prescribe and enforce rates, charges and classifications, and alter or amend same, for transportation and transmission companies. (Okla. IX 18; Va. XII 156 b.)

Power and duty given commission to prescribe just and reasonable classifications, rates and charges to be made by public service corporations; commission may amend or repeal same. (Ariz. XV 3.)

Power given commission to fix, regulate and control all charges and rates of transportation and transmission companies and common carriers within state. (N.M. XI 7.)

Power to fix reasonable maximum freight and express rates may be delegated to a commission. (Mich. XII 7.)

REPORTS

Annual reports to be made to commission by all corporations. (Ariz. XIV 17; Va. XII 157.)

Annual reports of proceedings to be made to governor by commission with recommendations as to legislation on its powers and duties, creation or control of corporations, or on taxation. (Okla. IX 25; Va. XII 156 i.)

Commission may require reports of corporations offering stock for sale to public. (Ariz. XV 13.)

Commission may require special reports and statements, under oath, of transportation and transmission companies and common carriers. (N.M. XI 11.)

Commission to enforce fines and penalties prescribed by constitution on corporations delinquent in making prescribed reports. (Va. XII 157.)

Form of reports required of corporations by constitution or by law to be prescribed and same collected, received and preserved, and annually tabulated and published, by commission. (N.M. XI 6.)

RETROACTIVE ORDERS

No order of commission shall be retroactive. (Okla. IX 23; Va. XII 156 g.)

SALARIES AND WAGES

Commission to ascertain salaries and wages paid by railroads or other public service corporations. (Okla. IX 29.)

STOCK

May permit a corporation to participate in control of another corporation in which it holds stock. (Okla. IX 41.)

May require reports or information of, or inspect and investigate, corporations offering stock for sale to public. (Ariz. XV 4, 13.)

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PUBLIC SERVICE COMMISSIONS (*Cont'd*)

STOCK (*Cont'd*)

Plan of proposed issue must be submitted, under oath, in detail to commission, which enforces penalties for failure to submit or to comply with other provisions of law. (Va. XII 167.)

TAKING TESTIMONY

Commission and each of commissioners may administer oaths and take testimony in same manner and to same extent as courts of record. (Cal. XII 22.)

Commission, and the several members thereof, has power of court of general jurisdiction to compel attendance of witnesses and production of evidence, by subpœna, attachment and punishment, which power extends throughout state. (Ariz. XV 4.)

Commission has power to take testimony under commission or deposition within or without state. (Ariz. XV 4.)

Commission has powers and authority of a court of record to administer oaths, compel attendance of witnesses and production of books and papers. (Okla. IX 19; Va. XII 156 c.)

Commission may compel attendance of witnesses, through any district or the supreme court. (N.M. XI 7.)

Commission may examine, under oath, officers, agents or employees of railroads or public service corporations; person refusing, to be punished as prescribed by law. (Okla. IX 28.)

Commission may hear and determine complaints against classification or rates it may establish, compel attendance of and swear witnesses, compel production of books and papers and take testimony under commission. (La. 284.)

Commission may hear and determine complaints against railroads and other transportation companies, issue subpœnas and all necessary process, and send for persons and papers. (Cal. XII 22.)

TELEGRAPH AND TELEPHONE COMPANIES

Subject to regulation in receipt and transmittal of each other's messages or making of physical connections by commission. (Okla. IX 5.)

VALUATION, *See above, this title*, PHYSICAL VALUATION.

PUBLIC SERVICE CORPORATIONS

For provisions relating to all corporations, See CORPORATIONS.

For provisions relating to a particular class of corporations, See the specific title.

ACCEPTANCE OF CONSTITUTION

Complete acceptance of constitution prerequisite to benefit of any future legislation; provision does not validate any charter. (Okla. IX 11.)

Prerequisite to benefit of any future legislature. (Ariz. XV 15.)

APPROPRIATIONS

No appropriation of public money to be made in aid of. (Ariz. IX 10.)

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PUBLIC SERVICE CORPORATIONS *(Cont'd)*

ARBITRATION

Every license or charter granted to stipulate that corporation will arbitrate any difference in reference to labor. (Okla. IX 42.)

CONSENT OF LOCAL AUTHORITIES

To construction and operation in cities, municipalities, towns and villages, See the subhead PUBLIC UTILITIES *under the specific title.*

CONSOLIDATION

Consolidation of foreign public service corporations, one of which owns or controls parallel or competing line in state, forbidden; officers in common forbidden. (Okla. IX 8.)

Consolidation with parallel or competing lines forbidden except by enactment of legislature on recommendation of corporation commission; officers in common forbidden. (Okla. IX 8.)

DEFINITION

Includes all transportation and transmission companies, all gas, electric light, heat and power companies and all persons authorized to exercise right of eminent domain or to use or occupy right of way, street, alley or public highway, whether along, over or under same, in a manner not permitted to general public. (Okla. IX 34; Va. XII 153.)

Includes corporations carrying persons or property for hire, except municipal; furnishing gas, oil or electricity for light, fuel or power; furnishing water for public purposes; furnishing for hire, hot or cold air for heating or cooling purposes; transmitting messages; furnishing public telegraph or telephone service and corporations engaged as common carriers, except municipal. (Ariz. XV 2.)

DIRECTORS' MEETINGS

Directors must hold at least one meeting annually in state, preceded by 30 days' public notice; penalties to be provided. (Okla. IX 6.)

FOREIGN PUBLIC SERVICE CORPORATIONS

Consolidation of foreign public service corporations, one of which owns or controls parallel or competing line in state, or having officers in common forbidden. (Okla. IX 8.)

Not permitted to exercise powers forbidden domestic corporations or relieved from compliance with provisions affecting domestic corporations, if same would not be discriminatory against them; interstate public service corporations excepted. (Va. XII 163.)

INCORPORATION UNDER STATE LAW

Required to acquire additional public or municipal franchises. (Va. XII 163.)

PROPERTY

Not to hold real estate except as necessary to its business. (Okla. XXII 2.)

Real and personal property liable to attachment, execution and sale as in case of individuals; not to be exempted by law. (Ariz. XV 11.)

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PUBLIC SERVICE CORPORATIONS (*Cont'd*)

PROPERTY (*Cont'd*)

Rolling stock and all other movable property considered personalty. (Ariz. XV 11.)

Rolling stock and other movable property of "public" corporation is personal property; all real and personal property liable to execution and sale and may not be exempted therefrom. (Okla. IX 7.)

RATES

Charges shall be just and reasonable without discrimination in charges, service or facilities between persons or places for like or contemporaneous service. (Ariz. XV 12.)

Cities, towns or counties not limited by constitution in regulating rates under municipal or county franchises. (Okla. IX 18; Va. XII 156b.)

Free or reduced transportation may be authorized to classes of persons who may receive same under federal interstate commerce act. (Ariz. XV 12.)

Incorporated towns or cities may be authorized to regulate rates and charges of public service corporations doing business therein. (Ariz. XV 3.)

Shall be construed to mean rate of charge for any service rendered or to be rendered and includes joint rates, and "charge" includes joint charges. (Okla. IX 34; Va. XII 153.)

REGULATION

Corporation commission, or its members, may inspect and investigate property, books, affairs, etc., of public service corporations doing business in state, having powers of a court of general jurisdiction to compel attendance of witnesses and production of evidence. (Ariz. XV 4.)

Incorporated cities or towns may be authorized by law to exercise supervision over public service corporations doing business therein, including rate regulation. (Ariz. XV 3.)

Records, books and files liable to "full visitorial and inquisitorial powers of the state". (Ariz. XIV 16.)

Term, "regulation", defined to include joint regulations. (Okla. IX 34; Va. XII 153.)

Violation of rules, regulations, orders or decisions of corporation commission punishable by fine of $100 to $5,000, recoverable before court of competent jurisdiction. (Ariz. XV 16.)

REPEAL OF CONSTITUTIONAL PROVISIONS BY LEGISLATURE

After a designated date, legislature given power to repeal certain provisions of constitution relating to certain classes of public service corporations, their rates, facilities, etc. (Okla. IX 35.)

After a designated date, legislature given power to repeal certain provisions of constitution relating to corporation commission, its powers and duties, and procedure on appeal therefrom. (Okla. IX 35; Va. XII 156 (1).)

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PUBLIC SERVICE CORPORATIONS (*Cont'd*)

REPORTS

Annual report, under oath, by president or superintendent, to corporation commission, and other reports, as required; penalties to be provided. (Okla. IX 6.)

REQUIREMENTS

In transmission of messages business, must receive and transmit messages from, and make physical with, other companies, as provided by law or regulation. (Ariz. XV 9.)

In transportation business, must receive transport and deliver cars, loaded or empty, property or passengers, without delay or discrimination, as provided by law or regulation. (Ariz. XV 8.)

In transportation or transmission business, may construct and operate lines, make connections at state boundaries and cross, intersect or connect with other public service corporations. (Ariz. XV 7.)

SUPERVISION

Must submit to inspection of books and papers and examination of officers and employees by commission under penalty of $125 to $500 per day; persons causing refusal also punished. (Okla. IX 28.)

Right of state to define duties, to control and to fix and limit charges of public service corporations not to be surrendered or abridged. (Va. XII 164.)

TAXATION, *See* TAXATION.

WORKMEN'S COMPENSATION ACTS

All moneys paid under workmen's compensation acts shall be held proper charge in cost of operating business of employer. (N.Y. I 19.)

PUNISHMENTS, *See* CRIMES.

PURE FOOD, *See* PUBLIC HEALTH.

QUARTERING OF SOLDIERS IN HOUSES, *See* SOLDIERS.

QUARTERLY COURTS, *See* COURTS.

RAILROADS

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all transportation companies, See TRANSPORTATION COMPANIES.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

ACCEPTANCE OF STATE CONSTITUTION

"Complete acceptance" prerequisite to benefit of any future legislation. (Mo. XII 21; Okla. IX 11; Tex. X 8.)

Constitutional provision as to acceptance of constitution not to be deemed to validate any charter. (Okla. IX 11.)

Filing of acceptance in secretary of state's office "in binding form" prerequisite to benefit of any future legislation. (Ida. XI 7; Mont. XV 8.)

ACT OF CONGRESS

Act of April 22, 1908, relating to liability of common carriers by railroad to their employees, continued in force under state. (N.M. XXII 2.)

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RAILROADS (*Cont'd*)

BELT LINES

Exclusive or preferential contracts or arrangements respecting freight or business of common carriers forbidden. (Ky. 214.)

Must allow tracks of each other to unite, intersect and cross where reasonable or feasible. (Ky. 216.)

Must handle freight of same class for all to and from same points, upon same conditions, in same manner, for same charges and for same method of payment. (Ky. 215.)

Penalties prescribed for certain offenses relating to making connections, receiving freight, discriminations and preferences. (Ky. 217.)

"Public belt railroad" for city of New Orleans provided for; bonds, expenditures, privileges, control, etc. (La. 233.)

Required to receive and deliver, without delay or discrimination, each other's cars and tonnage, but permitting use of tracks not required. (Ky. 213.)

BONDS

Fictitious increase of indebtedness is void. (Ill. XI 13; Nebr. XI 5.)

Issue legal only for money, labor or property actually received and applied to corporate purposes. (Ill. XI 13; Nebr. XI 5.)

Purchase by state, *See* STATE DEBT — PURPOSE.

Purchase by municipal corporations, *See* "BOROUGHS", "CITIES", "MUNICIPALITIES", "TOWNS".

BOOKS

Containing amount of assets and liabilities to be kept at office required to be maintained in state. (Ill. XI 9; La. 273; Mo. XII 15; Nebr. XI 1; N.D. VII 140; Okla. IX 6; S.D. XVII 12; Tex. X 3.)

Containing names and amounts of stockholders and subscribers and transfers of stock to be kept at office required to be maintained in state. (Ark. XVII 2; Ill. XI 9; La. 273; Mo. XII 15; Nebr. XI 1; N.D. VII 140; Okla. IX 6; Pa. XVII 2; S.D. XVII 12; Tex. X 3.)

Containing names and residences of officers to be kept at office required to be maintained in state. (Ark. XVII 2; Ill. XI 9; La. 273; Mo. XII 15; Nebr. XI 1; N.D. VII 140; Okla. IX 6; Pa. XVII 2; S.D. XVII 12; Tex. X 3.)

Foreign corporations excepted from provisions of constitution as to keeping of books within state. (N.D. VII 140.)

Legislature or corporation commission may require additional matters to be kept. (Okla. IX 6.)

Open to inspection of stockholders. (Okla. IX 6.)

Open to inspection of stockholders or creditors. (Ark. XVII 2; Ill. XI 9; Pa. XVII 2; Tex. X 3.)

Open to "public inspection". (La. 273; Mo. XII 15; Nebr. XI 1; N.D. VII 140; S.D. XVII 12.)

BRANCH ROADS

Legislature may permit amendment of charter of existing road to permit it to take stock in or build branch road without providing that it must accept constitution. (Ga. IV Sec. II 3.)

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RAILROADS (*Cont'd*)

CARS OR MOTIVE POWER

See below, this title, ROLLING STOCK.

Preferences in furnishing, *See below, this title,* DISCRIMINATION.

CHARTERS

Attempt to evade constitutional provisions as to consolidation works forfeiture of charter. (N.D. VII 141; S.D. XVII 14.)

Corporate powers and privileges issued and granted by secretary of state, as prescribed by law, or by other person named by law if he is disqualified. (Ga. III Sec. VII 18.)

Legislature may not pass local or special laws incorporating railroads. (Okla. V 46; Tex. III 56.)

Legislature may prescribe penalties, by way of regulation, to extent of forfeiture of franchise. (Miss. VII 186.)

COMBINATIONS

See also MONOPOLIES AND TRUSTS.

With vessels or common carriers by which earnings of one doing carrying to be shared by other not doing carrying, prohibited. (Ky. 201; Wash. XII 14.)

Consolidation, *See below, this title,* CONSOLIDATION.

COMMISSIONS TO REGULATE RAILROADS, *See* PUBLIC SERVICE COMMISSIONS.

AS COMMON CARRIERS

Declared to be common carriers. (Ala. XII 242; Ark. XVII 1; Colo. XV 4; La. 272; Mo. XII 14; Pa. XVII 1; S.D. XVII 15; Tex. X 2; Wyo. X Corporations 7, X Railroads 2.)

Declared to be common carriers and subject to legislative control. (Ariz. XV 10; Cal. XII 17; Ida. XI 5; Mont. XV 5; N.D. VII 142; Utah XII 12.)

Railroads carrying persons or property for hire are common carriers. (Miss. VII 184.)

COMMUTATION TICKETS, *See below, this title,* PASSES AND REDUCED RATES.

COMPETING LINES, *See below, this title,* PARALLEL OR COMPETING LINES.

CONNECTIONS AND CROSSINGS

Grain must be delivered at any elevator or warehouse reached by a railroad's tracks, and warehouses or coal yards allowed to make connections. (Ill. XIII 5.)

Crossings upon and alongside of roadbeds can be required by corporation commission; orders thereon may be removed to supreme court. (N.M. XI 7.)

Must allow each other's tracks to unite, intersect and cross where reasonable or feasible. (Ky. 216.)

Must form proper connections, if of same gauge, at crossings and all points at or near the termination of another road. (Wash. XII 13.)

Must receive and deliver each other's cars and freight in carloads or less quantities without delay or discrimination; provision does not require permitting use of tracks by another company. (Ky. 213.)

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RAILROADS (*Cont'd*)

CONNECTIONS AND CROSSINGS (*Cont'd*)

Must receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination. (Ala. XII 242; Ark. XVII 1; Cal. XII 17; La. 271; Miss. VII 184; Mo. XII 13; N.D. VII 143; Pa. XVII 1; S.D. XVII 16; Va. XII 166; Wash. XII 13; Wyo. X Railroads 1.)

Must receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination under such regulations as prescribed by law or by any commission. (Okla. IX 3; Tex. X 1.)

Must receive and transport passengers, tonnage and cars, loaded or empty, delivered to it by other railroad, street railway, transportation road or transmitting line, without delay or discrimination. (S.C. IX 6.)

Must receive each other's cars, tonnage and passengers without delay or discrimination, as regulated by commission. (N.M. XI 15.)

Penalties prescribed for certain offenses relating to making connections, receiving freight, etc. (Ky. 217.)

Railroad seeking to cross at grade must use safety devices designated by commission; cost borne equally by railroads; does not apply to siding crossings. (Okla. IX 27.)

Right of domestic railroad to intersect, connect with or cross other railroad, street railway, transportation road or transmitting line, declared. (S.C. IX 6.)

Right of every railroad to intersect, connect with or cross other railroads, as permitted by commission, declared. (N.M. XI 17.)

Right of every railroad to intersect, connect with or cross other railroads, declared. (Ala. XII 242; Ark. XVII 1; Cal. XII 17; Colo. XV 4; La. 271; Miss. VII 184; Mo. XII 13; Mont. XV 5; N.D. VII 143; Okla. IX 2; Pa. XVII 1; S.D. XVII 16; Tex. X 1; Va. XII 166; Wash. XII 13; Wyo. X Railroads 1.)

Right of every railroad to intersect, connect with or cross other railroads, under regulation and upon making due compensation, declared. (Ida. XI 5.)

Right to connect at state line with railroads of other states, declared. (Ala. XII 242; Ark. XVII 1; Cal. XII 17; Colo. XV 4; Ida. XI 5; La. 271; Mo. XII 13; Mont. XV 5; Miss. VII 184; N.D. VII 143; Okla. IX 2; Pa. XVII 1; S.C. IX 6; S.D. XVII 16; Tex. X 1; Wash. XII 13; Wyo. X Railroads 1.)

"Running contracts" discriminating against connecting or intersecting lines to be prohibited by legislature. (Mich. XII 7.)

Switches may be ordered by commission for any industry, which must pay cost; railroad to furnish material for making connection, at cost of industry, and make connection; penalty on railroad for refusal, $500 per day to party aggrieved. (Okla. IX 33.)

Switches may be ordered constructed and maintained, by railroad commission, where reasonably necessary at stations. (La. 284.)

Track connections for grain consignee, public warehouse, coal bank or coal yard must be permitted by railroads. (Ill. XIII 5.)

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RAILROADS (*Cont'd*)

CONSENT OF LOCAL AUTHORITIES

No law to be passed by legislature granting right to construct and operate railroads, without first obtaining consent of local authorities in control of streets or public places proposed to be occupied for any such or like purposes. (S.C. VIII 8.)

To construction and operation in cities, towns and villages, *See the subhead* PUBLIC UTILITIES *under the specific title.*

CONSOLIDATION

See also above, this title, COMBINATIONS.

Allowed only with foreign road where consolidated company becomes domestic corporation. (Miss. VII 197; S.C. IX 8.)

Allowed with written consent of corporation commission; legislature may further limit right to consolidate. (Okla. IX 9.)

Attempt to accomplish objects forbidden by constitution through holding companies, control of stock, forbidden. (S.C. IX 19.)

Attempt to evade provisions as to consolidation, by lease or otherwise, works forfeiture of charter. (N.D. VII 141; S.D. XVII 14.)

Combination of contract with vessel leaving or making port in state, or with other common carrier, by which earnings of one doing carrying to be shared by other not doing carrying, prohibited. (Cal. XII 20; Ky. 201; Wash. XII 14.)

Public notice of at least 60 days, as law may provide, required. (Ill. XI 11; La. 274; Mich. XII 6; Mo. XII 18; Nebr. XI 3; N.D. VII 141; S.D. XVII 14.)

With foreign railroad not to make domestic railroad a foreign corporation; state courts to retain jurisdiction as if no consolidation. (La. 274; Mo. XII 18.)

With other railroad organized under law of other state or United States, forbidden. (Okla. IX 9; Tex. X 6.)

With parallel or competing lines, *See below, this title,* PARALLEL OR COMPETING LINES.

CONSTRUCTION BY STATE

Forbidden. (Ky. 177.)

CONTROL, *See below, this title,* REGULATION.

COUNTY SEATS, STATIONS AT, *See below, this title,* STATIONS.

CREATION, *See above, this title,* CHARTERS.

CROSSINGS, *See above, this title,* CONNECTIONS AND CROSSINGS.

DEPOTS, *See below, this title,* STATIONS.

DIRECTORS

Annual meeting in state, preceded by 30 days' public notice, required. (Mo. XII 15; Okla. IX 6; Tex. X 3.)

Appointed by board of public works, where state has power to appoint directors, and represent state in stockholders' meetings. (Md. XII 2.)

Majority required to be residents and citizens of state, of railroad incorporated by state. (Ill. XI 11.)

Not to be interested in arrangement giving better terms or facilities than offered general public; such arrangements void. (Ark. XVII 5.)

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RAILROADS (*Cont'd*)
DIRECTORS (*Cont'd*)
Not to be interested in furnishing materials or supplies nor to act as common carrier over works owned or controlled by his railroad. (Mo. XII 22; Pa. XVII 6.)
Same; adds that all such contracts are void. (Ark. XVII 5.)
Not to be interested in furnishing materials or supplies nor to act as common carrier over works owned or controlled by his railroad; interest as stockholder not prohibited. (Cal. XII 18.)
Reports, *See below, this title*, REPORTS.
DISCRIMINATION
In rates, *See below, this title*, RATES.
"Long and short haul" provisions, *See below, this title*, RATES.
Against connecting lines, in receipt and transportation of passengers, tonnage or cars, forbidden. (Ark. XVII 1; Cal. XII 17; La. 271; Miss. VII 184; Mo. XII 13; N.D. VII 143; Okla. IX 3; Pa. XVII 1; S.D. XVII 16; Tex. X 1.)
Equal rights to all to have persons or property transported. (Ark. XVII 3; Colo. XV 6; Mont. XV 7; Pa. XVII 3.)
Equal rights to all to have persons or property transported; perishable property may be given preference. (Ida. XI 6.)
Exclusive or preferential contracts or arrangements respecting freight or business of common carrier, forbidden. (Ky. 214.)
Free to all persons or property transported, under regulations to be prescribed by law. (Ill. XI 12; Nebr. XI 4; W.Va. XI 9.)
In charges or facilities for transportation of freight or passengers forbidden. (Colo. XV 6; Ida. XI 6; Mont. XV 7; Pa. XVII 3.)
In charges or facilities in transportation between transportation companies and individuals by abatement, drawback or otherwise, forbidden. (Mo. XII 23.)
In facilities, privileges or rates among telegraph companies prohibited; general law of regulation to be passed thereon. (Wash. XII 19.)
Must be made by law to extend same equality and impartiality to all users except employees and their families and ministers of gospel. (Wyo. X Railroads 2.)
Must handle freight from same points, upon same conditions, in same manner, for same charges and for same method of payment. (Ky. 215.)
Must receive and deliver each other's cars or freight without delay or discrimination. (Ky. 213.)
Must receive each other's cars, tonnage and passengers without delay or discrimination, as regulated by commission. (N.M. XI 15.)
Officers, directors and employees not to be interested in arrangement giving better terms or facilities than offered general public; such arrangement void. (Ark. XVII 5.)
In rights of transportation or facilities, privileges and rates among express companies prohibited. (Wash. XII 21.)
Penalties prescribed for certain offenses in making discriminations. (Ky. 217.)

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RAILROADS (*Cont'd*)

DISCRIMINATION (*Cont'd*)

Power and duty to prevent discrimination vested in legislature; penalties to be provided. (Ga. IV Sec. II 1.)

Preferences by company, or lessee, manager or employee, in furnishing cars or motive power, forbidden. (Ark. XVII 6; Colo. XV 6; Ida. XI 6; Mo. XII 23; Mont. XV 7; Pa. XVII 7.)

Unjust discriminations on various railroads of state to be prohibited by laws passed, from time to time. (Ga. IV Sec. II 1.)

"Running contracts" discriminating against connecting or intersecting lines to be prohibited by legislature. (Mich. XII 7.)

Transportation of freight and passengers to be so regulated by general law, as to prevent unjust discrimination. (Ky. 196.)

EARNINGS, TAX ON, *See* TAXATION.

EMINENT DOMAIN FOR, *See* EMINENT DOMAIN.

EMPLOYEES

See also below, this title, OFFICERS.

Ascertainment of and report on salaries and wages by commission, and printing of same as public record, prescribed. (Okla. IX 29.)

Not to be interested in arrangement giving better terms or facilities than offered general public; such arrangements void. (Ark. XVII 5.)

Not to be interested in furnishing materials or supplies nor to act as common carrier over works owned or controlled by his railroad. (Mo. XII 22; Pa. XVII 6.)

Same; adds that all such contracts are void. (Ark. XVII 5.)

Not to be interested in furnishing materials or supplies nor to act as common carrier over works owned or controlled by his railroad; interest as stockholder not prohibited. (Cal. XII 18.)

Liability for injuries to, *See* LABOR — EMPLOYER'S LIABILITY.

EQUAL RATES, *See above, this title,* DISCRIMINATION.

EXCURSION TICKETS, *See below, this title,* PASSES AND REDUCED RATES.

EXECUTION OR ATTACHMENT

Earnings, choses in action, money or personal property subject to process or attachment in hands of officer, agent or employees as in case of individuals. (Ky. 212.)

Real or personal property liable to execution or sale as in case of individuals; no law to be passed exempting same. (Okla. IX 7; Tex. X 4.)

Rolling stock, *See below, this title,* ROLLING STOCK.

EXPRESS COMPANIES, PRIVILEGES TO

Railroads must give equal rights of transportation, facilities, privileges and rates to all express companies. (Wash. XII 21.)

FOREIGN RAILROADS

Agent to receive process in every county touched by its line as prerequisite to doing business. (Wyo. X Railroads 8.)

Consolidation of domestic with foreign railroad does not make domestic a foreign corporation; state courts retain jurisdiction. (La. 274; Mo. XII 18.)

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RAILROADS (*Cont'd*)

FOREIGN RAILROADS (*Cont'd*)

Excepted from provisions relating to office in state, stock and other books and annual reports. (N.D. VII 140.)

Lease or operation of, or interest in, domestic railroad, as foreign corporation, forbidden. (Miss. VII 197; S.C. IX 8.)

Must incorporate under domestic law, to exercise right of eminent domain. (Ky. 211; Nebr. XI 8; Okla. IX 31.)

No general or special law to be passed for benefit of foreign railroad having existing license from this state; must organize as domestic corporation to obtain any benefits or exemptions. (Miss. VII 197; S.C. IX 8.)

No license can be granted foreign railroad but it must first incorporate in this state. (Miss. VII 197; S.C. IX 8.)

FORFEITURE OF CHARTER, *See above, this title,* CHARTERS.

FRANCHISE, *See above, this title,* CHARTERS.

FREIGHT RATES, *See below, this title,* RATES.

GRAIN, TRANSPORTATION OF

Delivery required of railroads to elevator or public warehouse which can be reached by track open to use of said railroad. (Ill. XIII 5.)

GRANTS OF PUBLIC PROPERTY TO, *See* PUBLIC PROPERTY — GRANTS.

GRANTS OF PUBLIC LANDS TO, *See* PUBLIC LANDS — GRANTS.

INDEBTEDNESS

Fictitious increase of indebtedness is void. (Ill. XI 13; Nebr. XI 5.)

Detailed investigation and report by commission, and printing of same as public record, prescribed. (Okla. IX 29.)

Bonds, *See above, this title,* BONDS.

INTERURBAN RAILWAYS

Fellow-servant doctrine abolished as to any servants of common master; act applies to receivers. (Okla. IX 36.)

LIABILITY

For all damages to persons or property, as prescribed by legislature, declared. (Ark. XVII 12.)

Limitation of liability as common carrier prohibited. (Nebr. XI 4.)

To employees, *See* LABOR — EMPLOYER'S LIABILITY.

"LONG AND SHORT HAUL" PROVISIONS, *See below, this title,* RATES.

MILEAGE TICKETS, *See below, this title,* PASSES AND REDUCED RATES.

MOTIVE POWER, *See below, this title,* ROLLING STOCK.

MOVABLE PROPERTY, *See below, this title,* ROLLING STOCK.

MUNICIPAL AID, *See* "BOROUGHS", "CITIES", COUNTIES", "DISTRICTS", "MUNICIPALITIES", "TOWNS", "TOWNSHIPS" *and* "EDUCATION — SCHOOL DISTRICTS".

OFFICE IN STATE

Foreign corporations excepted from requirements as to keeping office in state. (N.D. VII 140.)

Required for transaction of business, transfers of stock and for keeping books for inspection, by stockholders or creditors. (Ill. XI 9; Tex. X 3.)

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RAILROADS (*Cont'd*)

OFFICE IN STATE (*Cont'd*)

Required for transaction of business, transfers of stock and for keeping books for public inspection. (La. 273; Mo. XII 15; Nebr. XI 1; N.D. VII 140; S.D. XVII 12.)

Required for transfers of stock, and for keeping books, for inspection by stockholders. (Okla. IX 6.)

Required for transfers of stock, and for keeping books, for inspection by stockholders or creditors. (Ark. XVII 2; Pa. XVII 2.)

OFFICERS

Ascertainment of and report on salaries and wages by commission, and printing of same as public record, prescribed. (Okla. IX 29.)

Not to be interested in arrangement giving better terms or facilities than offered general public; such arrangement void. (Ark. XVII 5.)

Not to be interested in furnishing materials or supplies nor to act as common carrier over works owned or controlled by his railroad. (Mo. XII 22; Pa. XVII 6.)

Same; adds that all such contracts are void. (Ark. XVII 5.)

Not to be interested in furnishing materials or supplies nor to act as common carrier over works owned or controlled by his railroad; interest as stockholder not prohibited. (Cal. XII 18.)

No salaried officer of a railroad company eligible to legislature. (W.Va. VI 13.)

Names and addresses, *See above, this title,* BOOKS.

PARALLEL OR COMPETING LINES

Every railroad whose charter permits may parallel any other road; exception may be made of paralleling certain named road. (Va. XII 166.)

Exclusive right to build parallel lines not to be granted any company. (Va. XII 166.)

Jury trial to determine whether railroads are parallel or competing may be demanded. (Mo. XII 17.)

Jury trial to determine whether railroads are parallel or competing may be demanded by complainant. (S.C. IX 7.)

Jury trial to determine whether railroads or canals are parallel or competing may be demanded by complainant. (Ark. XVII 4; Pa. XVII 4.)

Officer of railroad not to act as officer of parallel or competing line. (Mont. XV 6; Mo. XII 17; Tex. X 5.)

Officer of railroad or canal corporation not to act as officer of parallel or competing line. (Ark. XVII 4; Pa. XVII 4.)

Not to consolidate capital stock, franchises or property, poll earnings, purchase or operate, parallel or competing line. (Ky. 201.)

Not to consolidate stock, property or franchise with competing line. (Wash. XII 16.)

Not to consolidate stock, property or franchises with competing line. (Utah XII 13.)

Not to consolidate stock, property or franchise with, or obtain possession or control of, parallel or competing line without legislature's consent. (W.Va. XI 11.)

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RAILROADS (*Cont'd*)

PARALLEL OR COMPETING LINES (*Cont'd*)

Not to consolidate stock, property or franchises with parallel or competing line. (Colo. XV 5; Ill. XI 11; Mich. XII 8; Mo. XII 17; Nebr. XI 3; Tex. X 5.)

Not to consolidate stock, property or franchises with parallel or competing line; attempt to evade charter provision works forfeiture of charter. (N.D. VII 141; S.D. XVII 14.)

Not to consolidate stock, property or franchises with parallel or competing line nor unite business or earnings with parallel or competing line. (Mont. XV 6.)

Not to consolidate stock, property or franchises with parallel or competing railroad or canal, nor lease, purchase or control same. (Ark. XVII 4; Pa. XVII 4.)

PASSENGER RATES, *See below, this title*, RATES.

PASSES AND REDUCED RATES

General Prohibition

No railroad to grant passes or reduced rates to any person except officers and employees. (Pa. XVII 8.)

No railroad to grant passes or reduced rates to any person; numerous exceptions enumerated. (Okla. IX 13.)

Legislature not prevented from extending provisions as to exclusion of free transportation or franks from other persons. (Okla. IX 13.)

To Public Officers Prohibited

Member of legislature or officer exercising judicial functions. (Ala. XII 244.)

Officer of state, legislative, executive or judicial (from receiving passes). (Ark. XVII 7.)

Person holding office of honor, trust or profit in state. (Cal. XII 19.)

Member of legislature or salaried officer of state. (Fla. XVI 31.)

State, district, city, town or county officer, member of legislature or judge. (Ky. 197.)

Member of legislature, public officer or person elected or appointed to public office. (La. 191.)

Member of legislature or state, district, county or municipal officer. (Miss. VII 188.)

Member of legislature or of board of equalization or state, county or municipal officer. (Mo. XII 24.)

Governor, member of state board of equalization or of corporation commission, judge of supreme or district court, district attorney, county commissioner or county assessor. (N.M. XX 14.)

Member of legislature. (N.M. IV 37, 40.)

Public officer or person elected or appointed to public office under state. (N.Y. XIII 5.)

Member of legislature or state, county, district or municipal officer. (Va. XII 161.)

Member of legislature or person holding public office. (Wash. II 39, XII 20.)

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RAILROADS (*Cont'd*)

PASSES AND REDUCED RATES (*Cont'd*)

Exceptions from Prohibition

Excursion and Commutation Tickets

Allowed at special rates. (Ark. XVII 3; Cal. XII 21; Mo. XII 12; Okla. IX 30; S.C. IX 5; Wash. XII 15.)

Allowed at special rates, provided such rates are same to all persons. (Ida. XI 6; Mont. XV 7.)

Mileage or excursion tickets not prohibited by constitution. (La. 287.)

General Public

Charities, fairs, destitute or indigent, may be served free or at reduced rates. (La. 287.)

Ministers of religion and hospital inmates may be given free transportation. (La. 287.)

Numerous named classes of persons, such as those engaged in religious and charitable work, destitute persons, ex-soldiers, caretakers of shipments, employees of sleeping and express cars, telegraph and telephone linemen, mail, customs and immigration inspectors, etc.; and in cases of "calamitous visitation". (Okla. IX 13.)

Public Officers

Members and officers of corporation commission. (Va. XII 161.)

Member of legislature who is employee of railroad at his election may accept or procure pass for self or another, not member of legislature or person exercising judicial functions. (Ala. XII 244.)

No prohibition on serving state or city, parish or town government, free or at reduced rates. (La. 287.)

Policemen and firemen, while in discharge of duties, may be transported free by street railways. (Va. XII 161.)

Railroad commissioners. (Cal. XII 19; Miss. VII 188.)

Railroad Officials and Employees

Employees elected to legislature may accept or procure pass for self or another, not member of legislature or person exercising judicial functions. (Ala. XII 244.)

Officers, agents, employees, attorneys, stockholders or directors, "unless otherwise provided for by this constitution". (La. 287.)

Officers and employees. (Pa. XVII 8.)

Penalties

Generally

Legislature shall prevent by law granting of pass in prohibited cases. (Ark. XVII 7.)

Legislature shall enact laws for detection, prevention and punishment of violations. (Miss. VII 188.)

Legislature shall pass laws to enforce constitutional provisions. (Wash. II 39, XII 20.)

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RAILROADS (*Cont'd*)
PASSES AND REDUCED RATES (*Cont'd*)
Penalties (*Cont'd*)
Generally (*Cont'd*)
Legislature shall provide "suitable penalties". (Fla. XVI 31.)
Recipient guilty of crime; legislature shall provide penalties. (Okla. IX 13.)
On Public Officers of Prohibited Classes
Forfeits office. (Cal. XII 19; Mo. XII 24.)
Forfeits office and is guilty of felony. (N.M. IV 37, 40, XX 14.)
Forfeits office and shall be subject to further penalties, as may be prescribed by law. (La. 191; Va. XII 161.)
Forfeits office; legislature shall enact laws to enforce section. (Ky. 197.)
Guilty of misdemeanor and forfeits office at suit of attorney-general. (N.Y. XIII 5.)
Guilty of misdemeanor; fine of not over $500 and at discretion of court imprisonment, not over six months; subject to impeachment and removal; constitutional provision to be charged to grand jury; jurisdiction of offense. (Ala. XII 244.)
On Railroads
Corporation, or officer or agent thereof, guilty of misdemeanor and liable to punishment. (N.Y. XIII 5.)
Corporation, or officer or agent thereof, liable to fine of $500, suit to be brought at domicile of governmental officer concerned. (La. 191.)
Guilty of crime; legislature shall provide penalties. (Okla. IX 13.)
Legislature shall provide "heavy penalties". (Ky. 197.)
Testimony as to Violations
May be required of all persons but immunity granted if compelled to testify. (La. 191; N.Y. XIII 5.)
PLACE OF BUSINESS, *See above, this title*, OFFICE IN STATE.
POWER OF CONSTRUCTION AND OPERATION
Expressly conferred between any points in state. (Ala. XII 242; Ark. XVII 1; Colo. XV 4; Ida. XI 5; La. 271; Miss. VII 184; Mo. XII 13; Mont. XV 5; N.M. XI 18; N.D. VII 143; Okla. IX 2; Pa. XVII 1; S.D. XVII 16; Tex. X 1; Wash. XII 13; Wyo. X Railroads 1.)
Connections, *See above, this title*, CONNECTIONS AND CROSSINGS.
PREFERENCES, *See above, this title*, DISCRIMINATION.
AS PUBLIC HIGHWAYS
Declared to be public highways. (Ariz. XV 10; Ark. XVII 1; Colo. XV 4; Ida. XI 5; Ill. XI 12; La. 272; Mo. XII 14; Mont. XV 5; Nebr. XI 4; N.D. VII 142; Okla. IX 6; Pa. XVII 1; S.D. XVII 15; Tex. X 2; W.Va. XI 9; Wyo. X Railroads 2.)

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RAILROADS (*Cont'd*)

AS PUBLIC HIGHWAYS (*Cont'd*)

Declared to be public highways if carrying persons or property for hire. (Miss. VII 184.)

Declared to be public highways if not constructed and used exclusively for private purposes. (Ala. XII 242.)

Equality of treatment, *See above, this title,* DISCRIMINATION.

RAILROAD COMMISSIONS, *See* PUBLIC SERVICE COMMISSIONS.

RAILWAY BRIDGE COMPANIES

Exclusive or preferential contracts or arrangements respecting freight or business of common carriers forbidden. (Ky. 214.)

Must allow tracks of each other to unite, intersect and cross, where reasonable or feasible. (Ky. 216.)

Must handle freight of same class for all to and from same points upon same conditions, in same manner, for same charges and for same method of payment. (Ky. 215.)

Penalties prescribed for certain offenses as to making connections, receiving freight, discriminations and preferences. (Ky. 217.)

Required to receive and deliver, without delay or discrimination, each other's cars and tonnage, but permitting use of tracks not required. (Ky. 213.)

RATES

Commutation, *See above, this title,* PASSES AND REDUCED RATES.

Discrimination

Among express companies in rates for transportation of men or materials, or of property carried by them, or for doing business of such companies, prohibited. (Wash. XII 21.)

Among telegraph companies in rates for transportation of men or material, prohibited; general law to be passed thereon. (Wash. XII 19.)

Drawbacks and rebatement of insurance, freight, wharfage, storage, etc., to person other than owner, prohibited and to be made punishable by legislature. (Tex. XVI 25.)

Freight of same class must be handled for all for same charges and for same method of payment. (Ky. 215.)

In transportation between transportation companies and individuals by abatement, drawback or otherwise, forbidden. (Mo. XII 23.)

In transportation of freight or passengers, forbidden. (Colo. XV 6; Ida. XI 6; Mont. XV 7; Pa. XVII 3.)

Must handle freight of same class for all to and from same points, upon same conditions, in same manner, for same charges and for same method of payment. (Ky. 215.)

Must receive and handle cars and freight of connections without discrimination in rates or drawbacks or rebates. (Ky. 215.)

Railroad commission may make competition rates at junctional and competitive points to meet water competition or competition of points in other states. (S.C. IX 5.)

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RAILROADS (*Cont'd*)
RATES (*Cont'd*)
Discrimination (*Cont'd*)
Rebate or bonus or any act to deceive public as to real rate charged for freight or passengers forbidden; such payments illegal and void; penalties to be provided. (Ala. XII 245; Ga. IV Sec. II 5.)
Excursion Tickets, *See above, this title*, PASSES AND REDUCED RATES.
"Long and Short Haul" Provisions
Persons and property to be delivered at any station at no greater charge than for same class in same direction to more distant station; excursion and commutation tickets permitted. (Ark. XVII 3; Pa. XVII 3.)
Persons and property to be delivered at any station, landing or port at no greater charge than for same class in same direction to more distant station, port or landing; excursion and commutation tickets permitted. (Cal. XII 21; S.C. IX 5.)
Persons and property to be transported at charges not exceeding charge for same class to more distant point within state. (Ida. XI 6; Mont. XV 7.)
Persons and property to be transported at charges not exceeding charges for same class over same line in same direction, under substantially similar circumstances and conditions to more distant point; railroad commission may make exceptions. (Ky. 218.)
Unlawful to charge for freight or passengers greater amount for less than for greater distance; legislature to pass law to enforce provision; excursion and commutation tickets permitted. (Mo. XII 12.)
Unlawful to charge for freight or passengers greater amount for less than for greater distance, unless allowed by railroad commission; mileage or excursion tickets permitted. (La. 284.)
Railroad commission may make competitive rates at junctional and competitive points to meet water competition or competition of points in other states. (S.C. IX 5.)
Maximum Rates
Legislature may fix reasonable maximum charges for passengers and freight or delegate power to a commission. (Mich. XII 7.)
Legislature to establish maximum rates for passengers and freight, and provide penalties. (Mo. XII 14; W.Va. XI 9.)
Legislature to establish reasonable maximum rates for passengers and freight. (Ill. XI 12; Nebr. XI 4; Utah XII 15; Wash. XII 18.)
Passenger fare not to exceed two cents per mile unless otherwise provided by law, or exemption made by commission upon proof of insufficiency; street and electric railroads excepted. (Okla. IX 37.)
Mileage Tickets, *See above, this title*, PASSES AND REDUCED RATES.

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RAILROADS (*Cont'd*)

RATES (*Cont'd*)

Passes and Reduced Rates, *See above, this title,* PASSES AND REDUCED RATES.

Penalties

For certain unlawful rates, $2,000 to forfeiture of charter or license. (Ky. 217.)

For unlawful rates or violating orders, etc., of railroad commission, $100 to $5,000. (La. 286.)

Regulation by Commission

Adjustment between trunk and branch lines to be by railroad commission. (La. 284.)

Corporation commission fixes and controls rates; either commission or railroad may remove case to supreme court; enforcement rests with supreme court. (N.M. XI 7.)

Railroad commission may fix rates when power to do so is conferred by legislature. (Cal. XII 23.)

Railroad commission may make competitive rates at junctional and competitive points to meet water competition or competition of points in other states. (S.C. IX 5.)

Remain in effect as fixed by railroad commission until set aside; penalty payable state for each day sustained rate was suspended by suit. (La. 286.)

Subject to regulation and change by railroad commission. (La. 284.)

Regulation by Legislature

Drawback, rebatement of insurance, freight, wharfage, storage, etc., to person other than owner, to be penalized. (Tex. XVI 25.)

Legislature may regulate and control rates for passengers and freight; appeal to courts allowed, and rates fixed standing pending appeal. (N.D. VII 142.)

Legislature's power to regulate rates not denied or restricted by prohibition of private or special laws in certain cases. (Nev. IV 20; Utah VI 26.)

Legislature to pass laws to prevent unjust discriminations and require reasonable and just freight and passenger tariffs; penalties to be provided. (Ga. IV Sec. II 1.)

Legislature to prevent discrimination and excessive charges, provide penalties and create necessary offices and commissions. (Ark. XVII 10.)

Legislature to prevent discrimination between through and local or way freight and passenger tariffs, and provide penalties. (W.Va. XI 9.)

Legislature to prevent unjust discrimination and extortion in freight and passenger tariffs and enforce laws by adequate penalties. (Ala. XII 243; Mo. XII 14; Utah XII 15; Wash. XII 18.)

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RAILROADS (*Cont'd*)
RATES (*Cont'd*)
Regulation by Legislature (*Cont'd*)
Legislature to prevent unjust discrimination and extortion in passenger and freight rates to extent of forfeiture of franchise. (Miss. VII 186.)
Legislature to prevent unjust discrimination and extortion in passenger and freight tariffs to extent of forfeiture of property and franchises. (Ill. XI 15; Nebr. XI 7; S.D. XVII 17.)
Legislature to regulate freight and passenger rates, to correct abuses, prevent discrimination and extortion, provide adequate penalties; for these purposes may establish means and agencies. (Tex. X 2.)
Rebate, bonus or any act to deceive public as to real charge, to be penalized. (Ala. XII 245; Ga. IV Sec. II 5.)
Rights of telegraph and telephone companies to equal rates on railroad to be secured by general law. (Wash. XII 19.)
Subject, as common carriers, to legislative regulation and control for passengers and freight. (Mont. XV 5; N.D. VII 142; S.D. XVII 15.)
Subject to legislative regulation and control for passengers and freight. (Ida. XI 5.)
REBATES, *See above, this title,* RATES — DISCRIMINATION.
REGULATION
Of rates, *See above, this title,* RATES.
Corporation commission must keep informed as to physical condition of railroads. (Okla. IX 18; Va. XII 156b.)
Domestic railroad consolidated with foreign railroad still subject to state courts. (Mo. XII 18.)
Legislature to enact laws for supervision of railroads, by commission or otherwise, and to provide adequate penalties, to extent of forfeiture of franchise. (Miss. VII 186.)
Legislature to pass laws to correct abuses, prevent discrimination or excessive charges, provide penalties and create necessary offices and commissions. (Ark. XVII 10.)
Legislature to provide for correction of abuses and protection of just rights of public and provide penalties. (W.Va. XI 9.)
Must submit to inspection of books and papers and examination of officers and employees by commission under penalty of $125 to $500 per day; persons refusing also punished. (Okla. IX 28.)
Railroad commission vested with control of railroads but can fix rates only when power to do so is conferred by legislature. (Cal. XII 23.)
Railroad commission vested with power and authority to control railroads; court review provided for in detail, without regard to amount involved. (La. 284, 285.)
Railroads declared to be subject to control by law. (Ariz. XV 10.)
Transportation of freight and passengers to be so regulated by general law as to prevent unjust discrimination. (Ky. 196.)

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RAILROADS (*Cont'd*)

REPEAL OF CONSTITUTIONAL PROVISIONS BY LEGISLATURE

After designated date legislature given power to repeal certain provisions of constitution relating to certain classes of public service corporations, their rates, facilities, etc. (Okla. IX 35.)

After a designated date, legislature given power to repeal certain provisions of constitution relating to corporation commission, its powers and duties and procedure on appeal therefrom. (Okla. IX 35; Va. XII 156 (1).)

REPORTS

Annual, by directors, under oath, to auditor of public accounts or other designated officer; contents may be prescribed by law; penalty to be provided. (Ill. XI 9; N.D. VII 140; S.D. XVII 12.)

Annual, by directors, under oath, to auditor of public accounts or other designated officer; of amount from passengers and freight and as otherwise prescribed; penalty to be provided. (Nebr. XI 1.)

Annual, by directors, under oath, to auditor of public accounts; contents may be prescribed by law; penalty to be provided. (Ark. XVII 13.)

Annual, by directors, under oath, to state auditor or other designated officer; contents may be prescribed; penalty to be provided. (Mo. XII 15.)

Annual, by president or superintendent, under oath, to comptroller or governor; contents may be prescribed by law; penalty to be provided for failure. (Tex. X 3.)

Annual, by president or superintendent, under oath, to corporation commission; other reports may be required; penalties to be provided. (Okla. IX 6.)

Annual, by "proper officers", under oath, to auditor of public accounts, or some officer designated by law; contents to be prescribed; penalties to be prescribed for failure. (W.Va. XI 7.)

Annual report formerly made to board of public works to be made to corporation commission by railroads not exempt from taxation by charter, showing property taxable in state on June 30th preceding and total gross transportation receipts for year ending that date. (Va. XIII 179.)

Annual, to auditor of state of business within state. (Wyo. X Railroads 3.)

Foreign railroads excepted from requirements as to reports. (N.D. VII 140.)

RIGHT OF WAY

State corporation commission may require crossings, culverts and sidings; removal of order to supreme court permitted. (N.M. XI 7.)

Taking of land for, *See* EMINENT DOMAIN.

Over public lands, *See* PUBLIC LANDS — RIGHT OF WAY OVER.

Grant for stations, *See below, this title,* STATIONS.

ROLLING STOCK

"And all other movable property" considered personal property; liable to execution and sale like individual's property. (Ky. 212.)

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RAILROADS (*Cont'd*)

ROLLING STOCK (*Cont'd*)

"And all other movable property" considered personal property; liable to execution and sale like individual's property, and legislature may not exempt therefrom. (Ark. XVII 11; Ill. XI 10; Mo. XII 16; Nebr. XI 2; Okla. IX 7; S.D. XVII 13; Tex. X 4; W.Va. XI 8.)

"And other movable property" considered personal property; liable to taxation, execution and sale like individual's property, and legislature may not exempt therefrom. (Utah XII 14; Wash. XII 17.)

Conductors and engineers voluntarily operating unsafe cars or engines not to have benefit of certain sections referring to negligent injuries of railroad employees. (Miss. VII 193; S.C. IX 15.)

Considered personal property and liable to execution or sale. (Miss. VII 185.)

Corporation commission to regulate supply of cars and equipment for shippers and passengers; order thereon may be reviewed by supreme court. (N.M. XI 7.)

Preferences in furnishing cars or motive power, *See above, this title*, DISCRIMINATION.

SAFETY APPLIANCES

Corporation commission may require of "interstate railways, transportation companies and common carriers" such reasonable safety appliances as necessary or proper for safety of employees or public and as required by federal laws; right to remove question to state supreme court. (N.M. XI 7.)

Legislature to require, under penalties, appliances and means to protect lives, health and safety of travelers. (Ark. XIX 18.)

SERVICE OF PROCESS ON FOREIGN RAILROAD

As prerequisite to doing business must designate agent to receive process in every county touched by its line. (Wyo. X Railroads 8.)

"SHORT HAUL" PROVISIONS, *See above, this title*, RATES.

STATE AID

See STATE DEBT — PURPOSES — AID TO PRIVATE OR CORPORATE ENTERPRISE.

See STATE FINANCES — EXPENDITURES.

State as owner of securities, *See* PUBLIC PROPERTY.

STATE LIEN ON, *See* PUBLIC PROPERTY — LIENS ON RAILROADS.

STATIONS

At county seats where railroad passes within four miles thereof, provided no natural obstacles, and right of way has been granted by local authorities. (Okla. IX 14.)

At county seats where railroad passes within three miles thereof, provided no natural obstacles, and right of way has been granted by town or its citizens and sufficient ground for ordinary depot purposes. (Miss. VII 187.)

Same; instances "natural obstacles" as "streams, hills or mountains". (Tex. X 9.)

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RAILROADS (*Cont'd*)

STATIONS (*Cont'd*)

At nearest practicable point required of railroads within four miles "of any existing town or city", and stopping of all local trains. (Wyo. X Railroads 9.)

Deviation from "most direct practicable line" to avoid provision of constitution requiring stations, prohibited. (Wyo. X Railroads 9.)

Legislature may regulate location and building of passenger and freight stations. (Ala. XII 243.)

Maintenance of adequate, comfortable and clean depots for passengers and adequate and suitable depots for freight, required. (Okla. IX 26.)

Railroad commission may regulate building and maintenance. (La. 284.)

State corporation commission may require adequate buildings and agents for passengers, freight and express; order reviewable by supreme court. (N.M. XI 7.)

To be required "in the law regulating railway companies", where railroad runs through or within half mile of town or village of 300 or more inhabitants. (W.Va. XI 10.)

STOCK

Increase of capital stock requires 60 days' public notice, as may be provided by law. (Ill. XI 13; Nebr. XI 5.)

Issue permitted only for money, labor or property actually received and applied to corporate purposes. (Ill. XI 13; Nebr. XI 5.)

Stock dividends "and other fictitious increase of capital stock or indebtedness", void. (Ill. XI 13; Nebr. XI 5.)

Books, *See above, this title,* BOOKS.

Holdings in parallel or competing lines, *See above, this title,* PARALLEL OR COMPETING LINES.

STOCKHOLDERS

Individual liability for dues from corporations does not apply to stockholders of railroad corporations. (Kan. XII 2.)

Directors appointed by board of public works represent state at stockholders' meetings. (Md. XII 2.)

State as stockholder, *See* PUBLIC PROPERTY.

Municipality as stockholder, *See* "BOROUGHS" "CITIES", "COUNTIES", "DISTRICTS", "MUNICIPALITIES", "TOWNS", "VILLAGES".

STREET RAILROADS, *See* STREET RAILROADS.

SWITCHES, *See above, this title,* CONNECTIONS AND CROSSINGS.

TARIFFS, *See above, this title,* RATES.

TAXATION, *See* TAXATION.

TELEGRAPH COMPANIES, PRIVILEGES TO

Railroads must permit construction and maintenance of lines along rights of way; equal facilities, privileges and rates to all companies; general law to be passed thereon. (Wash. XII 19.)

TELEPHONE COMPANIES, PRIVILEGES TO

Railroads must permit construction and maintenance of lines along rights of way; general law to be passed thereon. (Wash. XII 19.)

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RAILROADS (*Cont'd*)

TRACKS

Connections, *See above, this title*, CONNECTIONS AND CROSSINGS.

Fee of land taken without owner's consent for tracks remains in owner. (Ill. II 13; Mo. II 21; S.D. VI 13.)

Legislature not to grant right to lay down railroad tracks by local or special laws. (Colo. V 25; Mo. IV 53; Mont. V 26; N.D. II 69; N.J. IV Sec. VII 11; N.M. IV 24; N.Y. III 18; Pa. III 7; Wyo. III 27.)

Legislature not to grant right to lay down railroad tracks by local or special laws, or amend existing charters for such purpose. (Ill. IV 22; Nebr. III 15.)

Legislature not to grant right to lay down railroad or street car tracks by local, private or special law in any manner than prescribed by general law. (Miss. IV 90.)

Legislature not to grant right to lay down railroad tracks or tramway by local or special laws, or amend existing charters for such purpose. (Ky. 59.)

Use of tracks by other railroads not required because connections must be made for cars and freight. (Ky. 213.)

State corporation commission may require crossings, culverts and sidings upon and along side of roadbed; order reviewable by supreme court. (N.M. XI 7.)

Steam railroads may be authorized to use levees on equal terms under state supervision and control. (La. 239.)

TRANSFER COMPANIES

Exclusive or preferential contracts or arrangements respecting freight or business of common carriers forbidden to be made by transfer companies. (Ky. 214.)

Must allow tracks of each other to unite, intersect and cross, where reasonable or feasible. (Ky. 216.)

Must handle freight of same class for all to and from same points, upon same conditions, in same manner, for same charges and for same method of payment. (Ky. 215.)

Penalties prescribed for certain offenses as to making connections, receiving freight, discriminations and preferences. (Ky. 217.)

Required to receive and deliver, without delay or discrimination, each other's cars and tonnage, but permitting use of tracks not required. (Ky. 213.)

TRANSPORTATION OF OWN PRODUCTS

Railroad not to transport articles manufactured, mined or produced by it, or in which it has interest, except such as necessary for its business as common carrier. (Okla. IX 12.)

Any mining company may carry products of its mines over its own railroad not over 50 miles long. (Pa. XVII 5.)

TRUNK RAILROADS

Excepted from provision limiting award of franchise or privileges by a county, taxing district or municipality to 20 years. (Ky. 164.)

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RAILROADS (*Cont'd*)

TRUNK RAILROADS (*Cont'd*)

Railroad commission "to fix and adjust rates between branch or short lines and the great trunk lines with which they connect". (La. 284.)

"TWO-CENT LAW", *See above, this title,* RATES.

VALUATION

Physical valuation and detailed report on indebtedness, judicial sales, salaries and wages, to be made by commission and printed as public record. (Okla. IX 29.)

REBATES

By a particular class of corporations, See the specific title.

Drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing or for any other kind of labor or service, of or to any cotton, grain, or any other produce or article of commerce in state paid, or allowed, or contracted for to any common carrier, shipper, merchant, commission merchant, factor, agent or middleman of any kind not true and absolute owner, are forever prohibited; and legislature to provide for punishing persons in state, who pay, receive, or contract for or respecting the same. (Tex. XVI 25.)

Any person having knowledge or possession of facts tending to establish guilt of any other person or corporation charged with illegal rebating, not to be excused from giving testimony or producing evidence when legally called on to do so, on ground that it may tend to incriminate him under laws of state; but no person to be prosecuted or subject to penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence. (Ariz. II 19.)

RECALL OF JUDICIAL DECISIONS, *See* COURTS — DECISIONS.

RECALL OF PUBLIC OFFICERS

NOT EXCLUSIVE METHOD OF REMOVAL

Not to be deemed exclusive of other remedies for removal from office. (Kan. IV 3 (1914).)

In addition to other methods of removal provided by law. (Cal. XXIII 1.)

Same; adds "and without excluding" after "to". (Colo. XXI 1.)

OFFICERS SUBJECT TO RECALL

Classes

For provisions relating specifically to local officers, See below, this title, RECALL OF LOCAL OFFICERS.

Every public officer in state. (Nev. II 9; Ore. II 18.)

Every public officer holding either by election or appointment. (Kan. IV 3 (1914).)

Every public officer in state, except judicial officers. (Ida. VI 6.)

Every public officer in state holding elective office by election or appointment. (Ariz. VIII Pt. I 1.)

Every elective public officer of state. (Cal. XXIII 1.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

OFFICERS SUBJECT TO RECALL (*Cont'd*)

Classes (*Cont'd*)

Same; "every person having authority to exercise or exercising public or governmental duty, power or function shall be elective officer, or one appointed, drawn or designated in accordance with law by elective officer or officers, or by some board, commission, person or persons legally appointed by elective officer or officers, each of which said elective officers shall be subject to recall provision of constitution". (Colo. XXI 1, 4.)

Every elective public officer in state except judges of courts of record. (Wash. I 33.)

All elective officers, except judges of courts of record and courts of like jurisdiction (laws shall be passed to provide for recall). (Mich. III 8.)

Any officer of state or of any district, judicial or otherwise, and any officer of parish or ward thereof, and any officer of municipality or ward thereof (except judges of all courts of record of state, judges of the various city courts and justices of peace) holding office by virtue of election by legally qualified voters of state or of district, judicial or otherwise, or of parish or ward thereof, or of municipality or ward thereof. (La. 223 (2) 1914.)

Length of Service

No officer subject to recall until after he has been in office one year. (La. 223 (2) 1914.)

Must have actually held office for six months, but petition may be filed against member of legislature any time after five days from convening and organizing of legislature after his election. (Cal. XXIII 1; Colo. XXI 4.)

Must have held office for six months, but petition may be filed against member of legislature any time after five days from beginning of first session after election. (Ariz. VIII Pt. I 5; Ore. II 18.)

Same; 10 days. (Nev. II 9.)

Effect of Prior Recall Election

Same officer not subject to recall during that term of office. (La. 223(2) 1914.)

No proceedings to be initiated against same officer within six months after recall election. (Cal. XXIII 1.)

No further petition to be filed against same officer during term for which elected, unless petition signed by number equal to 50 per cent. of votes cast at last preceding general election for all candidates for office held by such officer "as herein above defined". (*See* entry for Colorado under subhead below, "NUMBER OF SIGNATURES REQUIRED ON PETITION".) (Colo. XXI 4.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

OFFICERS SUBJECT TO RECALL (*Cont'd*)

Effect of Prior Recall Election (*Cont'd*)

No further petition to be filed against same officer during term for which elected, unless signers first reimburse treasury for expenses of preceding election. (Ariz. VIII Pt. I 5; Nev. II 9; Ore. II 18.)

PERSONS WHO MAY RECALL

As to who may sign petition, See below, this title, WHO MAY SIGN PETITION.

As to who may vote on question of recall, See below, this title, ELECTION — QUALIFICATIONS OF VOTERS.

TO WHOM PETITION ADDRESSED

Secretary of state. (Cal. XXIII 1.)

CONTENTS OF PETITION

Statement of Grounds for Recall

Required Statements

Demand for recall, recital that officer has committed act or acts of malfeasance or misfeasance while in office, or has violated oath of office, statement of matters complained of. (Wash. I 33.)

Reasons for recall. (Ore. II 18.)

General statement of grounds on which removal sought. (Cal. XXIII 1.)

General statement in not over 200 words of grounds on which recall demanded. (Ariz. VIII Pt. I 2; Colo. XXI 1.)

Reasons for recall, in not more than 200 words. (Kan. IV 4 (1914); Nev. II 9.)

Purpose of Statement

Intended solely for information of electors and sufficiency not open to review. (Cal. XXIII 1; Colo. XXI 1, 2.)

Demand for Election of Successor. (Cal. XXIII 1; Colo. XXI 1.)

FORM OF PETITION

To be prescribed by legislature. (La. 223 (2) 1914.)

NOTICE TO INCUMBENT

Notice of intention to circulate petition, together with statement of reasons why recall is sought, to be given to incumbent in manner provided by law. (La. 223 (2) 1914.)

CIRCULATION OF PETITION

Any qualified elector of state to be competent to solicit signatures in county, or city and county, of which he is elector. (Cal. XXIII 1.)

Must be circulated in at least five counties of state, in case of recall of officer elected in state at large. (Cal. XXIII 1.)

Circulation in sections, *See below, this title,* SECTIONS OF PETITION.

SECTIONS OF PETITION

Allowed

Signatures need not all be on one sheet. (Ariz. VIII Pt. I 2; Colo. XXI 2.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

SECTIONS OF PETITION (*Cont'd*)

Allowed (*Cont'd*)

May be presented in sections. (Cal. XXIII 1.)

Petitions may be circulated and signed in sections. (Colo. XXI 2.)

Requirements

Each section to contain full and accurate copy of title and text of petition. (Cal. XXIII 1; Colo. XXI 2.)

Each section to bear name of county, or city and county, in which circulated, and only qualified electors of such county, or city and county, may sign such section. (Cal. XXIII 1.)

Affidavit of circulator, *See below, this title*, GENUINENESS OF SIGNATURES SWORN TO.

Number of Signatures for Each Section

At pleasure of person soliciting signatures. (Cal. XXIII 1.)

Filing, *See below, this title*, FILING OF PETITION.

NUMBER OF SIGNATURES REQUIRED ON PETITION

On each section of petition, See above, this title, SECTIONS OF PETITION.

If recall election already held, See above, this title, OFFICERS SUBJECT TO RECALL — EFFECT OF PRIOR RECALL ELECTION.

Presumption of requisite number, See below, this title, EXAMINATION OF SUFFICIENCY OF PETITION.

Ten per cent. of electors of state, qualified to sign, for recall of state officer; 15 per cent. of electors for recall of officer elected by district less than state and greater than county, or for officer appointed by him; 25 per cent. of electors qualified to sign, for recall of officer elected in county, district or municipality within county, or officer appointed by any such officer. (Kan. IV 4 (1914).)

Equal to 12 per cent. of entire vote cast at last preceding election for all candidates for office occupied by incumbent (20 per cent. if incumbent is state officer elected in political subdivision of state); and if incumbent elected in state at large must be in each of at least five counties, signatures of number equal to not less than 1 per cent. of entire vote cast in such county at such election for all candidates for office occupied by incumbent. (Cal. XXIII 1.)

Equal to 25 per cent. of total number of registered vote qualified to vote at last preceding general election for office occupied by incumbent. (La. 223 (2) 1914.)

Percentage computed from total number of votes cast for all candidates for office to which incumbent elected at preceding election; percentages to be "state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, 25 per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, 35 per cent". (Wash. I 33, 34.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

NUMBER OF SIGNATURES REQUIRED ON PETITION (*Cont'd*)

Equal to 25 per cent. of entire vote cast at last preceding election for all candidates for position occupied by incumbent; if more than one person is required by law to be elected to fill office occupied by incumbent, petition must be signed by number equal to 25 per cent. of entire vote cast at last preceding general election for all candidates for office to which incumbent was elected as one of officers thereof, said entire vote being divided by number of officers elected to such office at last preceding general election. (Colo. XXI 1.)

"Laws to be passed to provide for recall of elective officers, except judges of courts of record and courts of like jurisdiction, upon petition of 25 per cent. of number of electors who voted at preceding election for office of governor in their respective electoral districts". (Mich. III 18.)

Number equal to 25 per cent. of number of votes cast at last preceding general election for all candidates for office held by incumbent. (Ariz. VIII Pt. I 1.)

Not less than 25 per cent. of qualified electors "who vote" in state or in county, district or municipality electing said officer, at preceding election, for justice of highest court. (Nev. II 9.)

"There may be required 25 per cent., but not more, of number of electors who voted" in incumbent's district at preceding election for justice of highest court. (Ore. II 18.)

WHO MAY SIGN PETITION

Electors entitled to vote for successor to incumbent. (Cal. XXIII 1; Colo. XXI 1.)

Legally qualified voters of state or of district, judicial or otherwise, or of parish or ward thereof, or of municipality or ward thereof. (La. 223 (2) 1914.)

Qualified electors of state or of political subdivision from which incumbent elected. (Wash. I 33.)

Qualified electors of electoral district from which incumbent elected. (Ariz. VIII Pt. I 1.)

"Laws to be passed to provide for recall of elective officers, except judges of courts of record and courts of like jurisdiction, upon petition of 25 per cent. of number of electors who voted at preceding election for office of governor in their respective electoral districts". (Mich. III 18.)

"There may be required 25 per cent., but not more, of number of electors who voted" in incumbent's district at preceding election for justice of highest court. (Ore. II 18.)

Electors who voted in incumbent's district at preceding election for justice of highest court. (Nev. II 9.)

Signers must be electors and petition must certify that signers are citizens of United States and voted for officer to be recalled if elected or for officer who appointed him if appointed, at last preceding election at which such officer was elected. (Kan. IV 4 (1914).)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

WHO MAY SIGN PETITION (*Cont'd*)

Qualification presumed, *See below, this title*, EXAMINATION OF SUFFICIENCY OF PETITION.

MANNER OF SIGNING PETITION

Each signer to add date, and place of residence, giving street and number, if in town or city. (Ariz. VIII Pt. I 2; Colo. XXI 2.)

Each signer to add place of residence, giving street and number, if such exist, and election precinct. (Cal. XXIII 1.)

GENUINENESS OF SIGNATURE SWORN TO

One signer of each sheet, or circulator of sheet, to subscribe oath on sheet. (Ariz. VIII Pt. I 2.)

Person circulating sheet to subscribe oath on sheet; false oath, wilfully made and subscribed, to be perjury and punished as such. (Colo. XXI 2.)

Each section to have attached affidavit of person soliciting signatures, stating his qualifications, and that all signatures were made in his presence and that to best of his knowledge and belief each signature is genuine; no other affidavit to be required; to be verified free of charge by any officer authorized to administer oath. (Cal. XXIII 1.)

Presumption of genuineness, *See below, this title*, EXAMINATION OF SUFFICIENCY OF PETITION.

FILING OF PETITION

With Whom

Authority for calling elections in state or other electoral divisions. (Kan. IV 4 (1914).)

Office in which petitions for nomination to office held by incumbent are required to be filed. (Ariz. VIII Pt. I 2; Colo. XXI 1; Nev. II 9; Ore. II 18.)

Officer with whom petition for nomination or certificate for nomination to office is filed under laws of state. (Wash. I 33.)

Registrar of voters (or if none, clerk) of county or city and county in which petition circulated. (Cal. XXIII 1.)

Time

At least 90 days before election. (Kan. IV 4 (1914).)

Filing of Sections

Each section filed with registrar of voters (or if none, with clerk) of county or city and county in which circulated; all sections circulated in any county or city and county to be filed at same time. (Cal. XXIII 1.)

In office in which petition for nomination for office held by incumbent are required to be filed. (Colo. XXI 2.)

EXAMINATION OF SUFFICIENCY OF PETITION

Presumption of Sufficiency

Petition deemed sufficient if it appears to be signed by requisite number of electors, unless protest in writing within 15 days after filing (detailed provisions). (Colo. XXI 2.)

Presumption of Required Number of Signatures

Unless and until otherwise proven on official investigation. (Cal. XXIII 1.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

EXAMINATION OF SUFFICIENCY OF PETITION (*Cont'd*)

Presumption that Signatures are Genuine

Verified petition to be *prima facie* evidence. (Cal. XXIII 1.)

Presumption that Signers are Qualified

Verified petition to be *prima facie* evidence. (Cal. XXIII 1.)

Unless protest in writing within 15 days after filing (detailed provisions). (Colo. XXI 2.)

Examination of Signatures

Within 20 days after filing of petition registrar of voters (or if none, clerk) to finally determine from registration records what number of qualified electors have signed; if necessary board of supervisors to allow additional assistants and provide for their compensation. (Cal. XXIII 1.)

Legislature to prescribe manner of verification and ascertainment that requisite number of legally qualified voters have signed. (La. 223 (2) 1914.)

Contest as to Sufficiency

Detailed provisions for protest in writing, summary hearing before officer with whom petition filed, with court review; but no contest allowed as to grounds assigned for recall. (Colo. XXI 2.)

AMENDMENT OF PETITION

If petition not sufficient it may be withdrawn by person or majority of persons representing signers, and, within 15 days, amended and refiled as an original petition. (Colo. XXI 2.)

SUPPLEMENTAL PETITION

Within 40 days from transmission of petition and certificate by registrar of voters or clerk to secretary of state, supplemental petition, identical with original as to body, but containing supplemental names, may be filed with registrar of voters (or if none, clerk); registrar or clerk to make like examination as in case of original petition within 10 days after filing, and to forthwith attach certificate properly dated showing result of examination and to forthwith transmit supplemental petition, except as to signatures, together with certificate, to secretary of state. (Cal. XXIII 1.)

CERTIFICATION OF SUFFICIENCY OF PETITION

Officer with whom petition filed, to make certificate of its sufficiency. (Colo. XXI 2.)

Registrar of voters (or if none, clerk) upon completion or examination of signatures forthwith to attach to petition, his certificate, properly dated, showing result and file copy in his office. (Cal. XXIII 1.)

TRANSMISSION OF PETITION TO SECRETARY OF STATE

Registrar of voters (or if none, clerk) to transmit petition, except signatures thereto, to secretary of state, with certificate attached. When secretary of state has received from one or more county clerks or registrars of voters petition certified to have been signed

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

TRANSMISSION OF PETITION TO SECRETARY OF STATE (*Cont'd*)

with requisite number of voters, he shall forthwith transmit to registrar or clerk of every county or city and county in state, certificate showing such fact; clerk or registrar to file it for record. (Cal. XXIII 1.)

Petition deemed to be filed with secretary of state on date of receipt by him of certificate or certificates showing petition to be signed by requisite number of electors in state. (Cal. XXIII 1.)

SUBMISSION OF PETITION TO GOVERNOR

Officer with whom petition filed, if petition sufficient, forthwith to submit it to governor, together with certificate of its sufficiency. (Colo. XXI 2.)

When petition certified to secretary of state, he shall forthwith submit it, with certificate of its sufficiency, to governor. (Cal. XXIII 1.)

VACANCY PENDING RECALL

Caused by resignation, *See below, this title,* RESIGNATION PENDING RECALL.

Filled as provided by law, but appointee to hold only until qualifying of person elected at recall election. (Cal. XXIII 1; Colo. XXI 3.)

ELECTION

When Called

Time of holding, *See below, this subdivision,* TIME OF HOLDING.

Upon receipt by governor of petition and certificate of its sufficiency. (Cal. XXIII 1; Colo. XXI 2.)

Within 30 days after filing petition. (Kan. IV 4 (1914).)

If incumbent does not resign within five days after filing of petition, election to be called. (Ariz. VIII Pt. I 3; Nev. II 9; Ore. II 18.)

To be prescribed by legislature. (La. 223 (2) 1914.)

By Whom Called

Officer with whom petition filed. (Nev. II 9; Ore. II 18; Wash. I 33.)

By governor. (Cal. XXIII 1; Colo. XXI 2.)

To be prescribed by legislature. (La. 223 (2) 1914.)

General Election Laws to Apply

So far as applicable. (Ariz. VIII Pt. I 6.)

Provisions for holding, canvassing and certifying returns. (Kan. IV 5 (1914).)

Calling of election and determination of result. (Wash. I 33.)

In submission to electors of petition, all officers to be guided by general laws of state, except as otherwise herein provided. (Cal. XXIII 1; Colo. XXI 4.)

Notice of

Proclaimed at least 60 days before date of holding. (Kan. IV 4 (1914).)

Proclamation to state in not more than 200 words reasons for recall. (Kan. IV 4 (1914).)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

ELECTION (*Cont'd*)

Notice of (*Cont'd*)

Governor to make or cause to be made publication of notice for holding of election. (Cal. XXIII 1; Colo. XXI 3.)

Arrangements for

Made by officers charged by law with duties concerning elections. (Cal. XXIII 1; Colo. XXI 3.)

Time of Holding

May be either general or special election. (Kan. IV 3 (1914).)

Special election, as provided by general election laws. (Wash. I 33.)

Within 20 days after issuance of call. (Nev. II 9.)

Not less than 20 and not more than 30 days after calling. (Ariz. VIII Pt. I 3.)

If incumbent does not resign within five days after petition filed, election to be "ordered to be held within 20 days". (Ore. II 18.)

Fixed by governor, not less than 30 nor more than 60 days from date of submission of petition to him; if general election to be held within 90 days after date of submission, recall election to be held then. (Colo. XXI 2.)

Fixed by governor, not less than 60 nor more than 80 days from date of certificate of sufficiency of petition by secretary of state. (Cal. XXIII 1.)

At least 90 days after filing of petition. (Kan. IV 4 (1914).)

At any election fixed by legislature at least three months but not more than five months from time that necessary number of petitioners has asked for recall election. (La. 223 (2) 1914.)

Effect of Resignation of Incumbent

If incumbent resigns at any time subsequent to filing of petition, election to be held notwithstanding. (Cal. XXIII 1; Colo. XXI 3.)

If incumbent does not resign within five days after filing of petition, election to be called. (Ariz. VIII Pt. I 3; Nev. II 9; Ore. II 18.)

If incumbent does not resign within five days after sufficiency of petition is sustained, election to be called. (Colo. XXI 3.)

Filling of vacancy, *See below, this title*, RESIGNATION PENDING RECALL.

Conduct of

Governed by law relating to general elections. (Kan. IV 5 (1914).)

In all respects as in case of general elections. (Colo. XXI 3.)

In all respects as other state elections. (Cal. XXIII 1.)

Contents of Ballots

Reasons for Recall

As set forth in petition. (Ariz. VIII Pt. I 3; Nev. II 9.)

In not more than 200 words, as set forth in petition. (Cal. XXIII 1; Colo. XXI 3; Ore. II 18.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

ELECTION (*Cont'd*)

Contents of Ballots (*Cont'd*)

Incumbent's Justification

In not more than 200 words. (Ariz. VIII Pt. I 3; Nev. II 9; Ore. II 18.)

In not more than 300 words, if desired by him. (Cal. XXIII 1; Colo. XXI 3.)

Question Stated

Form prescribed. (Cal. XXIII 1; Colo. XXI 3; Kan. IV 5 (1914); La. 223 (2) 1914.)

Names of Candidates to Succeed

To appear under question for recall. (Cal. XXIII 1; Colo. XXI 3.)

Qualifications of Voters

Electors entitled to vote for successor to incumbent. (Cal. XXIII 1; Colo. XXI 1.)

Legal voters of state or electoral district from which officer elected. (Ida. VI 6.)

Electors of state or lesser electoral division for which incumbent elected or appointed. (Kan. IV 3 (1914).)

Qualified electors of state, or of county, district or municipality from which incumbent elected. (Nev. II 9.)

Legal voters of state or of electoral district from which incumbent elected. (Ore. II 18.)

Qualified electors of electoral district from which incumbent elected; district may be whole state. (Ariz. VIII Pt. I 1.)

Legal voters of state or political subdivision from which officer elected. (Wash. I 33.)

Qualified voters of state or of district, judicial or otherwise, or of parish or ward thereof, or of municipality or ward thereof. (La. 223 (2) 1914.)

Returns

In all respects as other state elections. (Cal. XXIII 1.)

In all respects as in case of general elections. (Colo. XXI 3.)

Result determined as provided by general election laws. (Wash. I 33.)

Canvassing and certifying governed by law relating to general elections. (Kan. IV 5 (1914).)

Result

Majority Necessary for Removal

If majority voting on question of recall vote "no" incumbent to continue in office; if "yes", incumbent removed. (Cal. XXIII 1; Colo. XXI 3.)

If majority of voters participating in election are in favor of recall, successor to qualify. (La. 223 (2) 1914.)

If majority voting on question are in favor of recall, vacancy to exist in office, to be filled as prescribed by law. (Kan. IV 3, 5 (1914).)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

ELECTION (*Cont'd*)

Result (*Cont'd*)

Majority Necessary for Removal (*Cont'd*)

Incumbent removed unless he receives highest number of votes. (Ariz. VIII Pt. I 4.)

If incumbent does not receive highest number of votes, not to be deemed elected for remainder of term. (Nev. II 9; Ore. II 18.)

Result determined as provided in general election laws. (Wash. I 33.)

Declaration of

In all respects as other state elections. (Cal. XXIII 1.)

In all respects as in case of general election. (Colo. XXI 3.)

Legislature to prescribe manner and method of proclamation of returns. (La. 223 (2) 1914.)

RESIGNATION PENDING RECALL

Allowed

Incumbent may resign. (Cal. XXIII 1.)

Resignation to be accepted if offered. (Ariz. VIII Pt. I 3; Colo. XXI 3.)

Same; to take effect on day offered. (Nev. II 9; Ore. II 18.)

Effect on Election, *See above, this title,* ELECTION.

Vacancy Caused by

Filled as prescribed by law. (Ariz. VIII Pt. I 3; Nev. II 9; Ore. II 18.)

Filled as provided by law, but appointee to hold office only until qualifying of person elected at recall election. (Cal. XXIII 1; Colo. XXI 3.)

WHEN REMOVAL TAKES EFFECT

On qualification of successor; if successor fails to qualify within five days after result declared, office to be vacant and filled as prescribed by law. (Ariz. VIII Pt. I 4.)

On qualification of successor; if successor fails to qualify within 10 days after receiving certificate of election, office to be deemed vacant and filled according to law. (Cal. XXIII 1.)

Same; 15 days. (Colo. XXI 3.)

If vote in favor of recall, successor to qualify immediately after promulgation of returns of election. (La. 223 (2) 1914.)

If vote in favor of recall, "vacancy in office shall exist, to be filled as authorized by law". (Kan. IV 5 (1914).)

Incumbent to perform duties until result of election declared. (Ariz. VIII Pt. I 3; Nev. II 9; Ore. II 18.)

EXPENSES OF INCUMBENT

Laws to be enacted for payment by public treasury of reasonable special election campaign expenses of incumbent. (Ariz. VIII Pt. I 6; Ore. II 18.)

If incumbent not recalled, to be repaid from state treasury amount legally expended by him as expenses of such election, and legislature to provide appropriation for such purpose. (Cal. XXIII 1.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

EXPENSES OF INCUMBENT (*Cont'd*)

If incumbent not recalled, to be repaid from state treasury money authorized by law and actually expended by him as expenses of such election, and legislature to provide appropriation for such purpose. (Colo. XXI 4.)

SUCCESSOR ELECTED AT SAME ELECTION

Nominations

Who May Nominate

Electors qualified to vote at recall election, equal to 1 per cent. of total number of votes cast at last preceding election for all candidates for office occupied by incumbent. (Cal. XXIII 1.)

Legislature to provide by law how candidates may have names placed on ballot; by petition signed by qualified voters to number of not less than 25 per cent. of total number of registered voters qualified to vote at last preceding general election for office occupied by incumbent. (La. 223 (2) 1914.)

Candidates may be nominated by petition, as now provided by law. (Colo. XXI 3.)

Filing of Petition for

With secretary of state not less than 25 days before recall election. (Cal. XXIII 1.)

In office in which petitions for nomination to office are required by law to be filed, not less than 15 days before recall election. (Colo. XXI 3.)

Incumbent as Candidate

May be candidate. (Nev. II 9; Ore. II 18.)

Name to be placed on ballot without nomination, unless he otherwise requests in writing. (Ariz. VIII Pt. I 4.)

Not to be candidate. (La. 223 (2) 1914.)

Name not to appear on ballot. (Cal. XXIII 1; Colo. XXI 3.)

Voters Must Vote on Question of Recall

No vote for successor counted unless voter voted on question of recall of incumbent. (Cal. XXIII 1; Colo. XXI 3; La. 223 (2) 1914.)

Canvass and Declaration of Result

Canvassers to canvass all votes for candidates and declare result in like manner as in regular election. (Cal. XXIII 1.)

Successor Elected if Incumbent Recalled

If incumbent recalled, candidate receiving highest number of votes to be declared elected for remainder of term. (Cal. XXIII 1.)

Same; certificate of election forthwith issued to him by canvassing board. (Colo. XXI 3.)

Candidate receiving highest number of votes to be declared elected for remainder of term. (Ariz. VIII Pt. I 4.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

SUCCESSOR ELECTED AT SAME ELECTION (*Cont'd*)

Successor Elected if Incumbent Recalled (*Cont'd*)

Voters may express first choice and second choice and candidate who is first choice of greatest number of voters shall be declared to be elected if incumbent recalled, and shall qualify immediately after promulgation of returns of election. (La. 223 (2) 1914.)

Candidate receiving highest number of votes to be deemed elected for remainder of term, whether incumbent or another. (Nev. II 9; Ore. II 18.)

Failure of Successor to Qualify

If not within five days after result declared, office to be vacant and filled as prescribed by law. (Ariz. VIII Pt. I 4.)

If not within 10 days after receiving certificate of election, office deemed vacant and filled according to law. (Cal. XXIII 1.)

Same; 15 days. (Colo. XXI 3.)

GOVERNOR'S DUTIES

If governor sought to be recalled, his duties as to recall procedure performed by lieutenant-governor. (Cal. XXIII 1; Colo. XXI 4.)

SECRETARY OF STATE'S DUTIES

If secretary of state sought to be recalled, his duties as to recall procedure performed by comptroller. (Cal. XXIII 1.)

Same; by auditor, instead of comptroller. (Colo. XXI 4.)

WHEN PROCEEDINGS DEEMED PENDING

From date of filing of petition with registrar of voters or clerk, of county, or city and county. (Cal. XXIII 1.)

RECALL OF LOCAL OFFICERS

Recall also exercised by electors of each county, city and county, city and town of state with reference to elective officers thereof under procedure provided by law. Until otherwise provided by law legislative body of such county, city and county, city and town may provide for manner of exercising such powers, but shall not require petition to be signed by electors more in number than 25 per cent. of entire vote cast at last preceding election, as in section 1 more particularly set forth, for candidates for office occupied by incumbent, as hereinabove defined. (*See Colorado entry under subhead above, this title,* "NUMBER OF SIGNATURES REQUIRED ON PETITION".) (Colo. XXI 4.)

Recall also exercised by electors of each county, city and county, city and town of state, with reference to elective officers thereof under procedure provided by law. Until otherwise provided by law legislative body of any such county, city and county, city or town may provide for manner of exercising such powers, but shall not require petition to be signed by electors more in number than 25 per cent. of entire vote cast at last preceding election for all candidates for office which incumbent sought to be removed occupies. Nothing herein contained construed as affecting or limiting present or future powers of cities or counties or cities and counties having charters adopted under authority given by constitution. (Cal. XXIII 1.)

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RECALL OF PUBLIC OFFICERS (*Cont'd*)

RECALL OF LOCAL OFFICERS (*Cont'd*)

Recall of county and municipal officers and employees whose compensation paid by city and county of over 3,500 (excepting judges of superior court) may be provided for in charter. (Cal. XI 8½.)

In Louisiana same as for other officers. *See throughout this title.*

LEGISLATION TO ENFORCE

"Laws shall be passed". (Mich. III 8.)

Legislature to pass necessary laws. (Ida. VI 6.)

Necessary laws to be enacted, including payment by public treasury of campaign expenses of incumbent. (Ariz. VIII Pt. I 6; Ore. II 18.)

Laws to provide such additional legislation as may aid operation of constitution. (Nev. II 9.)

Same; but words "Legislative Assembly shall provide" not to be construed to grant to legislature exclusive power of law-making nor in any way to limit initiative and referendum powers reserved by people. (Ore. II 18.)

Legislature to pass laws necessary to carry out provisions for recall, and to facilitate its operation and effect without delay; but this shall not grant to legislature any exclusive power of law-making nor in any way limit initiative and referendum powers reserved by people. (Wash. I 34.)

Article to be self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting provisions of article or powers "herein reserved". (Cal. XXIII 1; Colo. XXI 4.)

RECLAMATION DISTRICTS

Legislature to have power to provide by law for supervision, regulation and conduct, in such manner as it may determine, of affairs of reclamation districts organized or existing under any law of this state. (Cal. XI 13.)

REGISTERS OF PROBATE, *See* COURTS — PROBATE COURTS.

REGISTERS OF WILLS, *See* COURTS.

RELIGION

AID TO BY MUNICIPALITIES, *See* "CITIES", "MUNICIPALITIES", "TOWNS", "VILLAGES".

APPROPRIATIONS

For state aid to sectarian schools, See also EDUCATION — SECTARIAN INSTITUTIONS.

No law to be enacted granting donation or gratuity for "sectarian purpose or use". (Miss. IV 66.)

No money to be drawn from treasury for benefit of religious or theological institution. (Ind. I 6; Ore. I 5.)

"No money to be appropriated or drawn from treasury for benefit of any sect or religious society". (Tex. I 7.)

No money ever to be taken from public treasury directly or indirectly in aid of church, sect or religious denomination or sectarian institution. (Fla. D.R. 6.)

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RELIGION (*Cont'd*)

APPROPRIATIONS (*Cont'd*)

No state money to be given or appropriated for benefit of sectarian or religious society or institution. (S.D. VI 3.)

No money to be drawn from treasury for benefit religious sect or society. (Mich. II 3.)

For charitable, educational or benevolent purpose to any denominational or sectarian institution, corporation or association, forbidden. (Pa. III 18.)

"No money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof as such". (La. 53; Mo. II 7.)

Forbidden to "any denominational or sectarian institution or association", or to any sectarian or religious society or institution. (Wyo. I 19, III 36.)

No public money to be appropriated or applied to religious worship, exercise or instruction, or support religious establishment; but not to be construed to forbid employment by state of chaplain for penitentiary and such state reformatories as to the legislature seem justified. (Wash. I 11, Amend. 4.)

No appropriation of public money to be made for any church or for any religious worship, exercise or instruction, or for the support of any religious establishment. (Ariz. IX 10, II 12.)

No money to be drawn from treasury for benefit of religious societies. (Minn. I 16; Wis. I 18.)

To denominational or sectarian institution or association forbidden. (Mont. V 35; Colo. V 34.)

No money to be taken from public treasury in aid of church, sect or denomination or any sectarian institution. (Ga. I Sec. I 14.)

Neither legislature nor counties, cities, towns, school districts and other public corporations to make any appropriation, or pay from any public funds, to or in aid of any church or literary or scientific institution wholly or partly controlled by any church, sect or denomination. (Mont. XI 8.)

Legislature not to make appropriation of public funds to any church or sectarian society or institution of any kind which is partly or wholly controlled by any church or sectarian society; but this does not prevent legislature authorizing counties, cities or towns to make appropriations for charitable purposes to any charitable institution or association. (Va. IV 67.)

Legislature not to make appropriation or pay from any public fund or grant anything to or in aid of religious sect, church, creed or sectarian purpose to support or sustain any institution controlled by any religious creed, church or sectarian denomination; but this does not prevent legislature granting aid to institution for the support and maintenance of dependent children and indigent aged persons authorized by constitution. (Cal. IV 30.)

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RELIGION (*Cont'd*)

APPROPRIATIONS (*Cont'd*)

No public money to be appropriated, applied, donated or used for the benefit or support of any sect, church, denomination or system of religion or of any priest, preacher, minister or other religious teacher or dignitary or sectarian institution as such. (Okla. II 5.)

Prohibited for any religious worship, exercise, or instruction, or for support of ecclesiastical establishment. (Utah I 4.)

No public funds, state, county or municipal, to be used for sectarian purposes. (Nev. XI 10.)

CHAPLAINS IN PENITENTIARIES

See PENAL INSTITUTION — PRISONS — OFFICERS OF.

See PENAL INSTITUTIONS — OFFICERS OF.

FREEDOM OF OPINION AND CONSCIENCE

See also below, this title, RELIGIOUS TEST.

Scruples against bearing arms, *See* MILITIA — EXEMPTION FROM SERVICE.

All men free to profess and by arguments to maintain religious opinions. (R.I. I 3; W.Va. III 15.)

All persons entitled to protection in religious liberty. (Md. D.R. 36.)

Magistrates not to control conscience. (Del. I 1.)

Liberty of conscience in all matters of religious sentiment guaranteed. (Wash. I 11.)

Conscience not to be controlled. (Ark. II 24; Ga. I Sec. I 12; Ind. I 3; Kan. B.R. 7; Ky. 5; Minn. I 16; Mo. II 5; N.C. I 26; Ohio I 7; Ore. I 3; Pa. I 3; S.D. VI 3; Tenn. I 3; Tex. I 6; Wis. I 18.)

Rights of conscience never to be infringed. (Utah I 4.)

Rights of conscience inalienable. (N.H. I 4.)

Toleration of religious sentiments secured. (Okla. I 2.)

Civil capacity not to be diminished, enlarged or affected because of religious opinion. (R.I. I 3; W.Va. III 15.)

No person to be denied the enjoyment of any civil right merely on account of religious principles. (N.J. I 4.)

No man to be deprived of any civil right as a citizen on account of religious sentiments. (Vt. I 3.)

No person to be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, because of religious opinions. (Iowa I 4.)

Civil rights, privileges and capacities of any citizen not to be in any manner affected by his religious principles. (Ala. I 3.)

No person to be denied any civil right or privilege on account of his religious opinions. (Mont. III 4; N.M. II 11.)

Civil rights, privileges or capacities, not to be denied because of religious opinions. (Colo. II 4; Ida. I 4; Ill. II 3.)

Civil rights, privileges or capacities of any person not to be taken away, or in any wise diminished or enlarged, on account of his religious beliefs. (Ky. 5; Mich. II 3.)

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RELIGION (*Cont'd*)

FREEDOM OF OPINION AND CONSCIENCE (*Cont'd*)

No person to be denied any civil right, privilege or position on account of his religious opinions. (S.D. VI 3.)

No person to be denied any political right or privilege on account of his religious opinions. (Mont. III 4; N.M. II 11.)

Political rights, privileges or capacities not to be denied because of religious opinions. (Colo. II 4; Ida. I 4; Ill. II 3.)

No person to be denied any political right, privilege or position on account of his religious opinions. (S.D. VI 3.)

No person to be molested in person or property because of religion. (Wash. I 11.)

No person molested in body, person or goods because of religious opinions. (Ga. I Sec. I 13; Md. D.R. 36; N.M. II 11; R.I. I 3; W.Va. III 15.)

No person molested in person or estate on account of religious persuasion or profession. (Mo. II 5.)

No person molested in body, person or goods because of religious opinions, unless he disturbs peace or rights of others. (Md. D.R. 36; Mass. Pt. I 2; N.H. I 5.)

No person to be hurt, molested or restrained in person, liberty or estate for religious professions or sentiments, if he does not disturb public peace or religious worship of others. (Me. I 3.)

Perfect toleration of religious sentiment to be secured; provision not to be changed except by consent of United States. (Ariz. XX; Ida. XXI 19; N.M. XXI 1; N.D. XVI 203; S.D. XXVI 18; Utah III 1; Wash. XXVI; Wyo. XXI 2).

No person in time of peace, required to perform any public service on day set apart as rest day by his religion. (Tenn. XI 15.)

FREEDOM OF WORSHIP

No person compelled to attend place of worship. (Ala. I 3; Colo. II 4; Del. I 1; Fla. D.R. 5; Ida. I 4; Ill. II 3; Ind. I 4; Iowa I 3; Kan. B.R. 7; Ky. 5; Md. D.R. 36; Minn. I 16; Mo. II 6; Mont. III 4; Nebr. I 4; N.J. I 3; N.M. II 11; Ohio I 7; Pa. I 3; R.I. I 3; S.D. VI 3; Tenn. I 3; Tex. I 6; Vt. I 3; W.Va. III 15; Wis. I 18.)

Civil rights not to be denied because of peculiar mode of worship. (Vt. I 3.)

No person molested on account of religious worship. (Okla. I 2.)

No person molested on account of religious worship, provided he does not disturb peace or rights of others. (Mass. Pt. I 2; N.H. I 5.)

Magistrates not to interfere with free exercise of religious worship. (Del. I 1.)

No authority to interfere with free exercise of religious worship. (Vt. I 3.)

Free exercise of religious worship without discrimination secured. (Cal. I 4; Colo. II 4; Conn. I 3; Ill. II 3; Ind. I 3; Iowa I 3; Kan. B.R. 7; Me. I 3; N.Y. I 3; N.D. I 4; Ore. I 3; S.C. I 4; Va. I 16; Wyo. I 18.)

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RELIGION (*Cont'd*)

FREEDOM OF WORSHIP (*Cont'd*)

Legislature to pass laws to protect equally every religious denomination in its mode of worship. (Tex. I 6.)

All persons may worship God according to dictates of own conscience. (Ark. II 24; Del. Preamble; Fla. D.R. 5; Ga. I Sec. I 12; Ida. I 4; Ill. II 3; Ind. I 2; Ky. 1; La. 4; Me. I 3; Md. D.R. 36; Mich. II 3; Minn. I 16; Miss. III 18; Mo. II 5; Nebr. I 4; Nev. I 4; N.H. I 5; N.J. I 3; N.M. II 11; N.C. I 26; Ohio I 7; Okla. I 2; Ore. I 2; Pa. I 3; R.I. I 3; S.D. VI 3; Tenn. I 3; Tex. I 6; Utah I 1; Vt. I 3; Wis. I 18.)

No person to be molested in person or property on account of mode of religious worship; provision not to be changed except by consent of United States. (Ida. XXI 19; N.D. XVI 203; S.D. XXVI 18; Wyo. XXI 2.)

No inhabitant of state to be molested in person or property because of mode of religious worship. Polygamous or plural marriages and polygamous cohabitation forever prohibited; provisions not to be changed except by consent of United States. (Ariz. XX; N.M. XXI 1.)

No inhabitant of state to be molested in person or property on account of mode of religious worship; but polygamous or plural marriages forever prohibited. Provisions not to be changed except by consent of United States. (Utah III 1.)

GIFTS TO STATE FOR RELIGIOUS PURPOSE

State not to accept property to be used for sectarian purposes. (Nebr. VIII 11; S.D. VIII 16.)

GRANTS OF PUBLIC PROPERTY FORBIDDEN

See PUBLIC PROPERTY — GRANTS.

See PUBLIC PROPERTY — GRANTS FOR RELIGIOUS PURPOSES.

LIMITATIONS ON RELIGIOUS LIBERTY

All persons should worship Supreme Being. (Mass. Pt. I 2.)

All persons should assemble for public worship. (Del. I 1.)

All persons should practice Christian forbearance, love and charity. (Va. I 16.)

Not construed as justifying exclusion of Bible from public schools. (Miss. III 18.)

Not to justify bigamous or polygamous practices. (Ida. I 4; Mont. III 4.)

Not construed to permit any person or organization to aid, abet or counsel bigamy, polygamy or any other crime. (Ida. I 4.)

Not construed to dispense with oaths or affirmations. (Ark. II 26; Colo. II 4; Ida. I 4; Ill. II 3; Mont. III 4; Nebr. I 4; Ohio I 7; Tex. I 5.)

Not to excuse acts of licentiousness or justify practices inconsistent with peace of state. (Ariz. II 12; Cal. I 4; Colo. II 4; Conn. I 3; Fla. D.R. 5; Ga. I Sec. I 13; Ida. I 4; Ill. II 3; Me. I 3; Minn. I 16; Miss. III 18; Mo. II 5; Mont. III 4; Nev. I 4; N.Y. I 3; N.D. I 4; S.D. VI 3; Wash. I 11; Wyo. I 18.)

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RELIGION (*Cont'd*)

PROPERTY DEVOTED TO

See also below, this title, RELIGIOUS CORPORATIONS.

Taxation, *See* TAXATION — EXEMPTIONS — RELIGION, PROPERTY DEVOTED TO.

Sale of church property not to be regulated by local and special laws. (W.Va. VI 39.)

General laws to be passed to secure title to church property; also sale and transfer "so that it shall be held, used or transferred for purposes of such church or religious denomination". (W.Va. VI 47.)

RELIGIOUS CORPORATIONS

See also below, this title, RELIGIOUS SOCIETIES.

Religious societies not to be incorporated. (W.Va. VI 47.)

Religious societies not to be incorporated or their charter amended or extended by local or special laws unless under control of state. (S.C. III 34.)

None can be established in state except as created under general law for the purpose of holding title to real estate prescribed by law for churches, parsonages and cemeteries. (Mo. II 8.)

Legislature not to incorporate denominations but may secure title to church property to an extent to be limited by law. (Va. IV 59.)

Title to property of religious corporations to vest in trustee elected by members of corporation. (Kan. XII 3.)

Members not individually liable for dues from corporation. (Kan. XII 2.)

Exempted from provision that all corporations must have place of business in state. (Cal. XII 14 S.C. IX 4.)

RELIGIOUS SOCIETIES

See also above, this title, RELIGIOUS CORPORATIONS.

Appropriations, *See above, this title,* APPROPRIATIONS.

Bequests

Every bequest of personal property or money in favor of religious corporation or society for its own use or for charitable uses, to be null and void; distributees to take as if no testamentary disposition had been made. (Miss. 270.)

Bequest of any estate in land or of money directed to be raised by sale of land to any religious corporation, sole or aggregate, or to any person as trustee, express or implied, for the use or benefit of such religious corporation, society or association, or for the purpose of being appropriated to charitable use, to be null and void; heir of law to take. (Miss. 269.)

Duty

Religious denominations enjoined to keep Lord's day and maintain religious worship. (Vt. I 3.)

Equality

No subordination of one denomination to another. (Me. I 3; Mass. Amend. XI; N.H. I 6.)

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RELIGION (*Cont'd*)
RELIGIOUS SOCIETIES (*Cont'd*)
Equality (*Cont'd*)
No preference to be given any religious denomination. (Ala. I 3; Ark. II 24; Colo. II 4; Conn. I 4; Del. I 1; Fla. D.R. 6; Ida. I 4; Ill. II 3; Ind. I 4; Kan. B.R. 7; Ky. 5; La. 53; Me. I 3; Minn. I 16; Miss. III 18; Mo. II 7; Mont. III 4; N.J. I 4; N.M. II 11; Ohio I 7; S.D. VI 3; Tenn. I 3; Tex. I 6; Wis. I 18.)
No preference to be given any mode of worship. (Ark. II 24; Colo. II 4; Conn. I 4; Fla. D.R. 6; Ida. I 4; Ill. II 3; Ind. I 4; Ky. 5; Minn. I 16; Miss. III 18; Mont. III 4; Pa. I 3; S.D. VI 3; Tenn. I 3; Tex. I 6; Wis. I 18.)
No peculiar privileges to be conferred on any religious denomination. (W.Va. III 15.)
No preference to be given to any religious establishment. (Pa. I 3.)
Any denomination of Christians demeaning themselves quietly, under equal protection of law. (N.H. I 6.)
All religious sects and denominations demeaning themselves peaceably and as good citizens, equally under protection of law. (Mass. Amend. XI.)
Rights
Rights, immunities, privileges or estates of religious societies and corporate bodies to remain as if constitution not altered. (Del. IX 4.)
Religious denominations to be protected in enjoyment of mode of worship. (Ark. II 25; Nebr. I 4; Ohio I 7; Tex. I 6.)
Religious denominations to have right to elect their public teachers and contract with them for their support. (Me. I 3.)
Encouraged and protected in enjoyment of privileges, immunities and estates which in justice ought to enjoy under regulations of legislature. (Vt. II 64.)
RELIGIOUS TEST
For public office, See PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS.
For jurors, See JURIES.
For voting, See ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.
No religious test to be required for exercise of civil or political rights. (Okla. I 2.)
No religious test for teachers or students in public schools or public educational institutions of the state. (Ariz. XI 7, XX 7; Colo. IX 8; Ida. IX 6; Mont. XI 9; N.M. XII 9; Utah X 12; Wyo. VII 12.)
Religious tests to sue, plead, appeal or pursue profession or employment or any religious test whatever prohibited. (W.Va. III 11, 15.)
SCHOOLS, SECTARIAN INFLUENCE IN, *See* EDUCATION — COMMON SCHOOLS — SECTARIAN INSTRUCTION AND CONTROL PROHIBITED.

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RELIGION (*Cont'd*)

STATE ESTABLISHMENT

No religion to be established by law. (Ala. I 3; Iowa I 3; La. 4; S.C. I 4; Utah I 4.)

No person compelled to support any mode of worship. (Ohio I 7.)

No person compelled to support any religious denomination. (Ala. I 3; Ark. II 24; Kan. B.R. 7; Mich. II 3; N.M. II 11.)

No person compelled to support place of worship. (Ark. II 24; Colo. II 4; Del. I 1; Ida. I 4; Ill. II 3; Ind. I 4; Iowa I 3; Ky. 5; Md. D.R. 36; Minn. I 16; Mo. II 6; Nebr. I 4; N.J. I 3; Ohio I 7; Pa. I 3; R.I. I 3; S.D. VI 3; Tenn. I 3; Tex. I 6; Vt. I 3; W.Va. III 15; Wis. I 18.)

No religious denomination to be authorized to tax for support of place of worship or ministry. (W.Va. III 15.)

No person compelled to support minister. (Ark. II 24; Colo. II 4; Ida. I 4; Ill. II 3; Ind. I 4; Iowa I 3; Ky. 5; Md. D.R. 36; Minn. I 16; Mo. II 6; Mont. III 4; N.J. I 3; Pa. I 3; R.I. I 3; S.D. VI 3; Tenn. I 3; Tex. I 6; Vt. I 3; W.Va. III 15; Wis. I 18.)

No person compelled to pay tithes. (Ida. I 4.)

People may authorize legislature and towns, at people's expense, to support Protestant teachers; but no person of one religious sect compelled to support teacher of another sect. (N.H. I 6.)

No church to dominate state or interfere with its functions, no union of church and state. (Utah I 4.)

REMISSION OF FINES, PENALTIES AND FORFEITURES, *See* CRIMES.

REPRIEVES, *See* CRIMES.

REPUTATION

Right to protect, See LIFE, LIBERTY AND PROPERTY — RIGHT TO.

Injury to, See LIBEL AND SLANDER.

RESIDENCE

As qualification for office, See PUBLIC OFFICERS, *and particular officers and classes of officers.*

As qualification to vote, See ELECTIONS.

Absence on business of state or United States shall not cause forfeiture. (Ind. II 4.)

Absence on business of state or of United States not to affect question of residence of any person. (Cal. XX 12.)

Absence on business of state, United States or on necessary private business shall not cause a forfeiture of. (Ark. XIX 7.)

Temporary absence from state shall not cause a forfeiture of. (Ala. I 31; S.C. I 12.)

No person deemed to have acquired or lost residence by reason of presence or absence while employed in service of United States or of state, nor while student at any school. (N.M. VII 4.)

Not acquired by soldier, sailor or marine in the military or naval service of the United States by reason of being stationed on duty in this state. (Ariz. VII 6; Ark. III 7; Iowa II 4; La. 175; Mich. III 3; Minn. VII 4; Mont. IX 6; Nebr. VII 4; N.M. VII 4; N.D. V 126; Ohio V 5; S.D. VII 7; Wyo. VI 8.)

Same; adds "or her allies" after "United States". (Ore. II 5.)

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RETROSPECTIVE LAWS
Pertaining to crime, *See* EX POST FACTO LAWS.
Prohibited. (Colo. II 11; Tenn. I 20; Tex. I 16.)
No retrospective laws should be made either for decision of civil causes or punishment of offenses. (N.H. I 23.)
Legislature to pass no law for benefit of railroad or other corporation, or any individuals, retrospective in its operations, or which imposes upon people of any county or municipal subdivision of state, a new liability in respect to transactions or considerations already past. (Colo. XV 12; Ida. XI 12; Mo. XII 19; Mont. XV 13.)
Legislature to have no power to pass retroactive laws; but may, by general laws, authorize courts to carry into effect, upon such terms as are just and equitable, the manifest intention of parties, and officers, by curing omissions, defects and errors, in instruments and proceedings, arising out of their want of conformity with laws of state. (Ohio II 28.)
RIVERS, *See* WATERS.
ROADS
COUNTY ROADS
See COUNTIES — ROADS AND BRIDGES.
See COUNTIES — SUPERVISORS — POWERS AND DUTIES.
See COUNTIES — MISCELLANEOUS OFFICERS.
CHARTERING OR LICENSING
No special, private or local law to be passed. (Ala. IV 104; Cal. IV 25; Ida. III 19; Ky. 59.)
No local or special laws to be passed for toll roads. (Mont. V 26; N.M. IV 24; N.D. II 69.)
Legislature not to pass any special, private or local law granting to any person, corporation or association the right to have any road. (Miss. IV 90.)
CONVICT LABOR ON, *See* CONVICT LABOR.
DEPARTMENT OF HIGHWAYS
To be established by the legislature. (Okla. XVI 1.)
EMINENT DOMAIN FOR, *See* EMINENT DOMAIN.
EXCESS CONDEMNATION, *See* EMINENT DOMAIN — EXCESS CONDEMNATION.
GRANTS BY CONGRESS
State accepts reservation and lands for public highway made under any grant, agreement, treaty or act of Congress, provided that vested rights of any tribe, allottee or other person not prejudiced. (Okla. XVI 2.)
LABORERS ON, *See* LABOR.
LABOR ON ELECTION DAY, *See* ELECTIONS — PRIVILEGES OF ELECTORS.
PRIVATE ROADS, *See* EMINENT DOMAIN — PRIVATE PURPOSES.
PUBLIC HIGHWAYS
Telegraph lines as, *See* TELEGRAPH COMPANIES.
Canals as, *See* CANALS.
Navigable waters as, *See* WATERS — NAVIGABLE.
Railroads as, *See* RAILROADS.
Turnpikes as, *See below, this title,* TOLL ROADS.
PUBLIC UTILITIES IN, *See the subhead* PUBLIC UTILITIES *under the titles* "BOROUGHS", "CITIES", "MUNICIPALITIES", "TOWNS", "VILLAGES".

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ROADS (*Cont'd*)

ROAD AND TURNPIKE COMPANIES

Legislature may not authorize companies or persons to own and operate roads or turnpikes, or to affect toll-gates, or regulate tolls, by local or special laws. (Ky. 59.)

Legislature to correct abuses, prevent discrimination and excessive charges of turnpike companies, provide penalties and create necessary offices and commissions; equal rights to all to have persons or property transported over turnpikes; no discrimination in charges or facilities to be made; required to have office in state for transfer of stock and keeping books for inspection by stockholders or creditors. (Ark. XVII 10, 3, 2.)

ROAD DISTRICTS

Under this subhead are digested provisions relating particularly to road districts; for districts in general, See DISTRICTS.

County commissioners to fill vacancies in road district office, by appointment, to hold until next general election, and until successors elected and qualified. (Wash. XI 6.)

Provision may be made in county charters for formation of, for care, maintenance, repair, inspection and supervision, and of road improvement districts for construction of roads, highways and bridges, detailed provisions regulating taxation on consent of majority, and incurring debt on consent of two-thirds qualified electors of district, and inclusion of cities in districts. (Cal. XI 7½.)

May, when authorized by majority in number and amount of property taxpayers, qualified voters, incur debt and issue bonds for road not to exceed in amount 10 per cent. of assessed value of property in district, governing authorities of district may lay taxes sufficient to pay interest and principal; detail provisions. (La. 281.)

Police juries may form parishes into; may set aside for roads one mill per annum of taxes levied by them and impose per capita tax of not over $1 on each able-bodied male between 18 and 55, and a license, graduated, on all vehicles kept in parish, and may enact civil ordinances to enforce property and license, criminal to enforce the head tax; per capita tax provisions not operative in incorporated towns and cities; other taxes may be levied by police juries for roads and bridges; may issue bonds; fines and penalties paid for infringement of any ordinance relative to roads and bridges to go into road and bridge fund of the parish, (La. 292.)

Legislature may authorize, to take charge and control of laying out, construction, improvement and maintenance of roads, bridges and culverts; may provide for district road commissioners to be appointed or elected, with powers and duties prescribed by law. (Mich. VIII 26.)

ROAD DUTY

Legislature not to pass any local, private or special law exempting any person from. (Ala. IV 104; Miss. IV 90.)

Legislature may enact special or local laws providing age at which citizens are subject to. (S.C. Drainage Amend. 1905.)

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ROADS (*Cont'd*)

ROAD DUTY (*Cont'd*)

Police jury to relieve from all persons who have paid their road and bridge tax and license. (La. 293.)

Voter not to be compelled to during continuance of election, or during time necessary and convenient for going to and returning from same. (W.Va. IV 3.)

ROAD SYSTEM

Legislature may by general law provide for adoption of a road system for and in county or district by majority vote of electors voting thereon. (Mich. VIII 26.)

STATE AID

Bonds for road purposes, *See* STATE DEBT — PURPOSE — ROADS.

State not to build any highway. (Ky. 177.)

Prohibition to state to engage in internal improvement not to apply to aiding in improvement of public wagon roads. (Mich. X 14.)

Legislature may provide for construction and maintenance of public roads. (Okla. XVI 1.)

State may appropriate money in treasury or to be raised by taxation, for construction or improvement of public highways. (N.D. XII 185, 1914; Wis. VIII 10.)

For aiding construction and improvement of public highways "state road and bridge fund" created, to include income from investments in internal improvement land fund, and all funds accruing to any state road and bridge fund however provided. Legislature may add to fund by providing in its discretion annual tax levied on property of state not over 1 mill on all taxable property; but no county shall receive in any year more than 3 per cent. or less than ½ per cent. of the total fund thus provided and expended in such year. (Minn. IX 16.)

Net proceeds from convict fund may, under appropriate laws, be applied to construction, repair and maintenance of public roads, and legislature may make additional appropriations for that purpose. (Ala. IV 93.)

State to provide for laying out and working public roads and building bridges, and for utilizing fines, forfeitures and convict labor to all these purposes. (Tex. XVI 24.)

Provisions in county charters for roads, highways and bridges to which state aid is granted, to be subject to regulations and conditions imposed by the legislature. (Cal. XI 6, 7½.)

State board of engineers to furnish road districts with plans and specifications for public roads and such assistance and advice as will tend to create a uniform system of public roads throughout the state. (La. 294.)

Legislature to have power to establish system of state highways, or to declare any road a state highway, and to pass laws necessary to construct and maintain the same, and to extend aid for construction and maintenance in whole or in part of any county highway. (Cal. IV 36.)

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ROADS (*Cont'd*)

STREETS, *See throughout this title, and See* "CITIES", "MUNICIPALITIES", "VILLAGES".

TAXES, *See* TAXATION.

TOLL ROADS

Turnpikes to be public highways. (Ark. XVII 1.)

Right to regulate tolls for highways devoted to public use always to remain under legislative control. (Tex. XII 3.)

Laws relating to turnpikes or other public roads excepted from provision against laws enacted to take effect on approval of body other than legislature. (Ky. 60.)

Legislature may regulate rates on. (Nev. IV 20.)

WAYS OF NECESSITY, *See* EMINENT DOMAIN — PRIVATE PURPOSES.

ALTERING, SPECIAL OR LOCAL LAW PERMITTED

Applies to road or highway. (S.C. Amend. 1905.)

ALTERING, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN

Applies to highway, except in case of state roads extending into more than one county or military roads in aid of construction of which Congress may grant lands. (Wash. II 28; Wis. IV 31.)

Applies to road or highway. (Colo. V 25; Ill. IV 22; Miss. IV 90; Mont. V 26; Nebr. III 15; N.J. IV 7; N.D. II 69; W.Va. VI 39.)

Applies to road or highway, except to state roads extending into more than one county, or military roads. (N.M. IV 24.)

Applies to road, highway or alley; does not apply to any bill, or the amendments to any bill, reported by commissioners to revise the statutes. (N.Y. III 18, 23.)

Applies to road, highway, street or alley. (La. 48; Minn. IV 33; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Applies to road, highway, street, alley, townplat, park, cemetery or public ground not owned by state. (Ida. III 19.)

Applies to townplat, street, alley, public ground or ward. (S.D. III 23.)

Applies to township, highway, street, ward, alley or public ground. (Utah VI 26.)

Applies to road laid out by commissioners of highways, or any street, alley or public ground in a city or village or recorded townplat. (Mich. VIII 27.)

Applies to road, townplat, street, alley or public square. (Ariz. IV 19.)

Applies to road, highway, street, alley, townplat, cemetery, graveyard or public ground not owned by commonwealth. (Ky. 59.)

Applies to road, highway, street, alley, townplat, park, cemetery, graveyard or public ground not owned by state. (Cal. IV 25.)

Applies to road, highway, street, lane or alley, except that as to any roads which pass through at least a portion of three counties of the state, two-thirds majority of all members elected to each house may pass a special act. (Del. II 19.)

CLOSING, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN

Applies to road, highway, street or alley. (La. 48.)

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ROADS (*Cont'd*)

DISCONTINUING, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN

Applies to road, highway, street or alley. (La. 48.)

Applies to road, highway or alley; does not apply to any bill, or the amendments to any bill, which shall be reported by commissioners to revise the statutes. (N.Y. III 18, 23.)

LAYING OUT, SPECIAL OR LOCAL LAW PERMITTED

Applies to road or highway. (S.C. Amend. 1905.)

LAYING OUT, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN

Applies to highway. (Ind. IV 22; Ore. IV 23.)

Applies to highway, except in case of state roads extending into more than one county or military roads in aid of construction of which Congress may grant lands. (Wash. II 28; Wis. IV 31.)

Applies to road or highway. (Colo. V 25; Ill. IV 22; Iowa III 30; Miss. IV 90; Mont. V 26; Nebr. III 15; N.J. IV 7; N.D. II 69; W.Va. VI 39.)

Applies to road or highway, except as to state roads extending into more than one county or military roads. (N.M. IV 24.)

Applies to road, highway or alley; does not apply to any bill, or the amendments to any bill, which shall be reported by commissioners to revise the statutes. (N.Y. III 18, 23.)

Applies to road, highway, street or alley. (La. 48; Minn. IV 33; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Applies to road, highway, street, lane or alley, except that as to any roads, which pass through at least a portion of three counties of the state, two-thirds majority of all members elected to each house may pass a special act. (Del. II 19.)

Applies to townplat, street, alley, public ground or ward. (S.D. III 23.)

Applies to townplat, highway, street, ward, alley or public ground. (Utah VI 26.)

Applies to road, townplat, street, alley or public square. (Ariz. IV 19.)

Applies to road, highway, street, alley, townplat, park, cemetery or public ground not owned by state. (Ida. III 19.)

Applies to road, highway, street, alley, townplat, park, cemetery, graveyard or public ground not owned by state. (Cal. IV 25.)

MAINTAINING, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN

Applies to road, highway, street or alley (La. 48; Minn. IV 33; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Applies to road, highway, street, alley, townplat, cemetery, graveyard or public ground not owned by commonwealth. (Ky. 59.)

Applies to road, highway, street, alley, townplat, park, cemetery or public ground not owned by state. (Ida. III 19.)

Applies to road, highway, street, alley, townplat, park, cemetery, graveyard or public ground not owned by state. (Cal. IV 25.)

Applies to road, highway, street, lane or alley, except that as to any roads which pass through at least a portion of three counties of the state, two-thirds majority of all members elected to each house may pass a special act. (Del. II 19.)

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ROADS (*Cont'd*)

MAINTAINING

Legislature may pass local laws for maintenance of public roads and highways without local notice required for special or local laws. (Tex. VIII 9.)

OPENING, SPECIAL OR LOCAL LAW PERMITTED

Applies to road or highway. (S.C. Amend. 1905.)

OPENING, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN

Applies to highway. (Ind. IV 22; Ore. IV 23.)

Applies to highway, except in case of state roads extending into more than one county or military roads in aid of construction of which Congress may grant lands. (Wash. II 28; Wis. IV 31.)

Applies to road or highway. (Colo. V 25; Ill. IV 22; Iowa III 30; Miss. IV 90; Mont. V 26; Nebr. III 15; N.J. IV 7; N.D. II 69; W.Va. VI 39.)

Applies to road or highway, except state roads extending into more than one county or military roads. (N.M. IV 24.)

Applies to road, highway or alley; does not apply to any bill, or the amendments to any bill, which shall be reported by commissioners to revise the statutes. (N.Y. III 18, 23.)

Applies to road, highway, street or alley. (La. 48; Minn. IV 33; Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Applies to road, highway, street, lane or alley, except that as to any roads which pass through at least a portion of three counties of the state, two-thirds majority of all members elected to each house may pass a special act. (Del. II 19.)

Applies to townplat, highway, street, ward, alley or public ground. (Utah VI 26.)

Applies to townplat, street, alley, public ground or ward. (S.D. III 23.)

Applies to road, townplat, street, alley or public square. (Ariz. IV 19.)

Applies to road, highway, street, alley, townplat, cemetery, graveyard or public ground not owned by commonwealth. (Ky. 59.)

Applies to road, highway, street, alley, townplat, park, cemetery or public ground not owned by state. (Ida. III 19.)

Applies to road, highway, street, alley, townplat, park, cemetery, graveyard or public ground not owned by state. (Cal. IV 25.)

VACATING, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN

Applies to road. (Fla. III 20.)

Applies to road, street or alley. (Ark. V 24.)

Applies to road, highway, street or alley. (Minn. IV 33.)

Applies to road, townplat, street or alley. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Applies to road, highway, street, lane or alley, except that as to any roads which pass through at least a portion of three counties of the state, two-thirds majority of all members elected to each house may pass a special act. (Del. II 19.)

Applies to townplat, street, alley, public ground or ward. (S.D. III 23.)

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ROADS (*Cont'd*)
VACATING, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN (*Cont'd*)
Applies to townplat, highway, street, ward, alley or public ground. (Utah VI 26.)
Applies to road, townplat, street, alley or public square. (Ariz. IV 19; Ind. IV 22; Iowa III 30; Nev. IV 20; Ore. IV 23.)
Applies to road, street, townplat, alley or public ground. (Colo. V 25; Ill. IV 22; Mont. V 26; Nebr. III 15; N.J. IV 7; N.D. II 69; W.Va. VI 39.)
Applies to road, street, townplat, alley or public ground, except as to state roads extending into more than one county or military road. (N.M. IV 24.)
Applies to road laid out by commissioners of highways, or any street, alley or public ground in a city or village or recorded townplat. (Mich. VIII 27.)
Applies to road, townplat, street, alley, cemetery, graveyard or public ground not owned by state. (Okla. V 46.)
Applies to road, highway, street, alley, townplat, cemetery, graveyard or public ground not owned by commonwealth. (Ky. 59.)
Applies to road, highway, street, alley, townplat, park, cemetery or public ground not owned by state. (Ida. III 19.)
Applies to road, highway, street, alley, townplat, park, cemetery, graveyard or public ground not owned by state. (Cal. IV 25.)
Applies to road, highway, townplat, street, alley or public ground. (Miss. IV 90.)
WORKING ON, SPECIAL OR LOCAL LAW PERMITTED
Applies to road or highway. (S.C. Amend. 1905.)
WORKING ON, SPECIAL, PRIVATE OR LOCAL LAW FORBIDDEN
Applies to road, highway, street, alley, townplat, park, cemetery or public ground not owned by state. (Ida. III 19.)
Applies to highway. (Ind. IV 22; Ore. IV 23.)
Applies to road or highway. (Colo. V 25; Ill. IV 22; Iowa III 30; Miss. IV 90; Mont. V 26; Nebr. III 15; N.J. IV 7; N.M. IV 24; N.D. II 69; W.Va. VI 39.)
Applies to road, highway, or alley; does not apply to any bill, or the amendments to any bill, which shall be reported by commissioners to revise the statutes. (N.Y. III 18, 23.)
WORKING ON
Legislature to provide by general law for working public roads by contract or by county prisoners, or both; such law may be put into operation only by a vote of the county supervisors in any county. (Miss. IV 85.)

SAILORS, *See* SOLDIERS AND SAILORS.
SANGUINARY LAWS, *See* CRIMES — PUNISHMENT.
SAVINGS BANKS, *See* BANKS.
SCHOOL DISTRICTS, *See* EDUCATION.
SCHOOLS, *See* EDUCATION.
SEAL OF STATE
Form prescribed. (Ariz. XXII 10, 20; N.D. XVII 207; Okla. VI 35; S.D. XXI 1; Wash. XVIII 1.)

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SEAL OF STATE (*Cont'd*)

Legislature to provide for device and motto. (Minn. XV 4.)

Legislature to provide. (Mont. VII 17; Wis. XIII 4.)

To remain as at present. (Fla. XVI 12.)

Seal now in use to be official until changed by legislature. (Ala. V 133; Ariz. XXII 10; Ark. XIX 25; Colo. IV 18; Ga. V Sec. III 1; Ida. IV 15; Utah VII 22; Wyo. IV 15.)

Not to be altered. (Conn. IV 18; Mo. V 20.)

Custody in governor. (Ark. VI 10; Cal. V 13; Ind. XV 5; Iowa IV 20; Kan. I 8; Miss. V 126; Nev. V 15; N.C. III 16; Ohio III 12; Tenn. III 15; Vt. II 22.)

Custody in governor or person administering government. (N.J. VIII 2.)

Custody in secretary of state. (Ala. V 134; Colo. IV 18; Conn. IV 18; Fla. IV 21; Ga. V Sec. III 1; Ida. IV 15; Ill. V 22; Mich. VI 11; Minn. XV 4; Mont. VII 17; Nebr. V 23; N.M. V 10; Okla. VI 18; Ore. VI 3; Tex. IV 19; Utah VII 22; Wash. III 18; W.Va. II 7; Wis. XIII 4; Wyo. IV 15.)

Used by governor officially. (Ala. V 133; Ark. VI 9; Cal. V 13; Ind. XV 5; Iowa IV 20; Kan. I 8; Miss. V 126; Nev. V 15; Ohio III 12; S.C. IV 18; Tenn. III 15.)

Used by governor as occasion may require. (N.C. III 16.)

Used by secretary of state officially. (Ida. IV 15; Mont. VII 17; Ore. VI 3; Utah VII 22; Wash. III 18.)

Used by secretary of state officially as directed by law. (Mo. V 22; Nebr. V 23; W.Va. II 7; Wyo. IV 15.)

Used by secretary of state officially under direction of governor. (Tex. IV 19.)

Used for authentication of laws. (Md. III 30.)

Used for authentication of "official acts of the governor, except his approval of law, resolutions, appointments to office and administrative orders". (Ala. V 134.)

Used for authentication of official acts of governor, except approval of laws. (Mich. VI 11; Minn. XV 4; Mo. V 20; Okla. VI 18; Wis. XIII 4.)

Not to be affixed to instrument of writing except by order of governor or legislature. (Ga. V Sec. III 1.)

Use on commissions, *See* PUBLIC OFFICERS — COMMISSIONS TO.

Use on grants, *See* GRANTS.

SEARCHES AND SEIZURES

People to be secure in persons, houses, papers and effects from unreasonable searches and seizures. (Ala. I 5; Ark. II 15; Cal. I 19; Colo. II 7; Conn. I 8; Del. I 6; Fla. D.R. 22; Ga. I Sec. I 16; Ida. I 17; Ill. II 6; Ind. I 11; Iowa I 8; Ky. 10; La. 7; Me. I 5; Mass. Pt. I 14; Mich. II 10; Minn. I 10; Mo. II 11; Mont. III 7; Nebr. I 7; Nev. I 18; N.H. I 19; N.J. I 6; N.M. II 10; N.D. I 18; Ohio I 14; Okla. II 30; Pa. I 8; S.C. I 16; S.D. VI 11; Tenn. I 7; Tex. I 9; Utah I 14; Vt. I 11; W.Va. III 6; Wis. I 11; Wyo. I 4.)

Same; "possessions" instead of "papers and effects". (Miss. III 23.)

Right of people to be secure in persons and property from unreasonable searches and seizures to be inviolate. (Kan. B.R. 15.)

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SEARCHES AND SEIZURES (*Cont'd*)

Right of people to be secure in persons, papers and possessions, against unreasonable searches and seizures, not to be violated. (R.I. I 6.)

No law to violate right of people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure. (Ore. I 9.)

No person to be disturbed in his private affairs or his home invaded without authority of law. (Ariz. II 8; Wash. I 7.)

Warrants not to issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation. (Ala. I 5.)

Warrants, without oath or affirmation first made, affording sufficient foundation for them, whereby officer commanded to search suspected places or seize persons or property not particularly described, ought not to be granted. (Vt. I 11.)

All warrants, without oath or affirmation, to search suspected places, or to seize person or property, are grievous and oppressive. (Md. D.R. 26.)

Warrants to search suspected places, or to apprehend suspected persons, without naming or describing place or person in special, are illegal, and ought not to be granted. (Md. D.R. 26; N.C. I 15; Tenn. I 7; Va. I 10.)

No warrant to issue without probable cause, shown by affidavit, particularly describing place to be searched, and person or thing to be seized. (Ida. I 17; Ill. II 6; S.D. VI 11; Wyo. I 4.)

Warrants not to issue without probable cause supported by oath or affirmation, particularly describing place to be searched and person or thing to be seized. (Ark. II 15; Cal. I 19; Fla. D.R. 22; Ga. I Sec. I 16; Ind. I 11; Iowa I 8; Kan. B.R. 15; La. 7; Me. I 5; Mich. II 10; Minn. I 10; Miss. II 23; Nebr. I 7; Nev. I 18; N.D. I 18; Ohio I 14; Ore. I 9; S.C. I 16; Utah I 14; W.Va. III 6; Wis. I 11.)

Same; "as nearly as may be" instead of "particularly". (Conn. I 8; Del. I 6; Ky. 10; Okla. II 30; Tex. I 9.)

No warrant to issue but upon probable cause supported by oath or affirmation, and particularly describing place to be searched and papers and things to be seized. (N.J. I 6.)

Same; inserts "written showing of" before "probable". (N.M. II 10.)

No warrants to search any place or seize person or thing to issue without describing place to be searched or person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing. (Colo. II 7; Mo. II 11; Mont. III 7; Pa. I 18.)

Warrants contrary to people's rights unless issued upon probable cause supported by oath or affirmation, and unless accompanied with special designation of persons or objects to be seized or searched, and ought not to be issued except in cases and with formalities prescribed by law. (N.H. I 19.)

Warrants not to issue, but on complaint in writing, upon probable cause, supported by oath and affirmation, and describing as nearly as may be place to be searched, and persons and things to be seized. (R.I. I 6.)

SEAS, *See* WATERS.

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SEAT OF GOVERNMENT

Meeting place of legislature, *See* LEGISLATURE — SESSIONS.

No act of legislature changing seat of government to become law until submitted at general election and approved by majority voting on question; act to specify proposed new location. (Ala. IV 78.)

Capital to be at Phœnix until changed at election provided for by legislature not prior to December 31, 1925. (Ariz. XX 9.)

To remain at Little Rock. (Ark. I.)

Sacramento declared to be, until changed by law, approved and ratified by majority voting therefor at general election, under such regulations as legislature by two-thirds vote of each house may provide. (Cal. XX 1.)

Location not to be changed except by vote of two-thirds of electors voting on that question at general election at which question submitted by legislature. (Colo. VIII 3.)

Legislature not to make appropriations for capitol buildings and grounds until seat of government permanently located as provided in constitution. (Colo. VIII 4.)

Dover is capital. (Del. II 5.)

At Tallahassee. (Fla. XVI 1.)

Atlanta to be capital of state until changed by same authority and in same way as is provided for alteration of constitution. (Ga. XI Sec. IV 1.)

If municipal corporation offers to state, property for locating or building of capitol, and state accepts it, corporation may comply with offer. (Ga. VII Sec. VI 1.)

To be located at Boise City for 20 years from admission to United States after which time legislature may submit question to qualified voters at general election and majority of votes upon question necessary to determine location. (Ida. X 2, 3.)

Appropriation or expenditures not to be made on account of new capitol grounds and construction, completion and furnishing of the state house exceeding $3,500,000, inclusive of appropriations heretofore made, without first submitting question at general election nor unless majority of all votes cast at election are in favor of proposed expenditure. (Ill. IV 33.)

Certain grounds owned by state at, not to be sold or leased. (Ind. XV 9.)

Permanently established at Des Moines. (Iowa XI 8.)

First legislature to provide for submitting question of permanent location to popular vote; majority of all votes at some general election necessary for location; temporarily located at Topeka. (Kan. XV 8.)

To continue at Frankfort. (Ky. 255.)

If municipal corporation offers property or money for locating or building a capitol, and state accepts, the corporation may comply with the offer. (Ky. 179.)

To remain at Baton Rouge. (La. 162.)

Augusta declared to be. (Me. Amend. 33.)

To be at Lansing. (Mich. I 2.)

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SEAT OF GOVERNMENT (*Cont'd*)

To be at St. Paul, but legislature may provide for change by vote of people or may locate it on land granted by Congress for that purpose; if seat of government removed, the capitol building and grounds to be dedicated to institution for promotion of science, literature and arts organized by legislature and in which Minnesota Historical Society always to be a department. (Minn. XV 1.)

To be at Jackson and not to be removed or relocated without consent of majority of electors of state. (Miss. IV 101.)

Legislature may not remove from Jefferson. (Mo. IV 56.)

Location to be submitted at general election in 1892; until then to be at Helena; and thereafter location not to be changed except by vote of two-thirds of qualified electors voting on that question at general election at which question submitted by legislature. (Mont. X 2, 3.)

Legislature not to make appropriations for capitol buildings and grounds until seat of government permanently located as provided in constitution. (Mont. X 4.)

Not to be removed or relocated without assent of majority at election or elections under rules prescribed by law. (Nebr. separately submitted.)

To be at Carson City. (Nev. XV 1.)

Capital to be at Santa Fé until changed by electors voting at election provided for by legislature on or after December 31, 1925. (N.M. XXI 6.)

To remain at Raleigh. (N.C. XIV 6.)

To be at Bismarck. (N.D. XIX 215.)

Columbus until otherwise directed by law. (Ohio XV 1.)

When located as provided in constitution not to be removed for 20 years and only by majority of votes cast on question by electors at general election. (Ore. XIV 3, 1.)

Laws locating capital may take effect or not, upon vote of electors interested. (Ore. I 21.)

Capital not to be changed except by vote of people. (Pa. III 28.)

Legislature at first session to submit question of location to voters and place selected to be permanent seat of government. (S.D. XX 2.)

Legislature not to delegate to special commission, private corporation or association, power to select a capital site. (S.D. III 26.)

If no place voted for at election to determine have a majority of all votes cast, governor to issue proclamation for election to be held in same manner at next general election to choose between two places having received highest number of votes at first election. Election to be conducted same as first election and place having majority of votes cast to be permanent seat of government. (S.D. XX 3.)

Austin declared to be. (Tex. III 58.)

3,000,000 acres set apart for state capitol and other necessary public buildings, such lands to be sold under direction of legislature. (Tex. XVI 57.)

Permanently located at Salt Lake City. (Utah XIX 3.)

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SEAT OF GOVERNMENT (*Cont'd*)

Legislature not to delegate to special commission, private corporation or association, power to select a capitol site. (Utah VI 29.)

Location to be submitted at time of submission of constitution. Until then to be at Olympia and thereafter location not to be changed except by vote of two-thirds of qualified electors voting on that question at general election at which question submitted by legislature. (Wash. XIV 1, 2.)

Legislature not to make appropriations for capitol buildings and grounds except to keep territorial capitol buildings and grounds in repair, and for making necessary additions thereto, until seat of government permanently located, and public buildings erected at permanent capital in pursuance of law. (Wash. XIV 3.)

At Charleston until otherwise provided by law. (W.Va. VI 20.)

Madison until otherwise provided by law. (Wis. XIV 6.)

Not to be changed by legislature, but after 10 years after adoption of constitution may provide for submitting question to qualified electors at general election and majority of votes on question to be necessary to determine location. Until location, seat of government to be at Cheyenne. (Wyo. VII 23.)

SECRETARY OF CIVIL AND MILITARY AFFAIRS

Appointed by governor during pleasure; governor may command service at all times; compensation to be provided by law. (Vt. II 21.)

SECRETARY OF INTERNAL AFFAIRS

Elected by qualified electors of state at general election for term of four years; if vacancy in office, new election to be held and governor to fill vacancy until election. To have powers and duties of surveyor-general, subject to changes made by law; department to embrace bureau of industrial statistics; to discharge duties relating to corporations, charitable institutions, agricultural, manufacturing, mining, mineral, timber and material and all business interests of state as may be prescribed by law; to report to legislature annually and at such other times as prescribed by law; to have supervision over transportation companies and require reports from them. (Pa. IV 8, 19, 21; XVII 11.)

SECRETARY OF STATE

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title "PUBLIC OFFICERS".

APPOINTMENT

By legislature, *See below, this title,* ELECTION.

By governor with advice and consent of senate. (Md. II 22; N.J. VII Sec. II 4; Tex. IV 21.)

By governor with consent of majority of all members elected to senate. (Del. III 10.)

By governor with advice and consent of two-thirds of all members of senate. (Pa. IV 8.)

ASSISTANTS, *See below, this title,* DEPUTIES AND ASSISTANTS.

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SECRETARY OF STATE (*Cont'd*)

BOND

To give bond and security under regulations prescribed by law for faithful discharge of duties. (Ga. V Sec. II 6.)

Bond to be given with sufficient sureties, in a reasonable sum, for the use of the state, for punctual performance of his trust. (N.H. II 69.)

Of not less than double amount of money that may come into hands, and not less than $50,000; sureties, and approval "thereof", and increase of penalties, as may be prescribed by law. (Nebr. V 25.)

COMPENSATION

Salary

As to whether salary fixed may be changed by law, See below, this subdivision, INCREASE OR DECREASE.

Fixed by law. (Ala. V 118; Colo. IV 19; Del. III 10; Ill. V 23; Kan. I 15; Minn. V 5; Miss. V 133; Mo. V 24; N.Y. V 1; N.C. III 15; Ohio III 19; Okla. VI 34; S.C. IV 24; W.Va. VII 19; Wis. VI 2.)

Fixed at $1,500. (Fla. IV 29; Ore. XIII 1.)

Fixed at $1,800. (Ida. IV 19; S.D. XXI 2.)

Fixed at $2,000. (Ark. Sched. 28; Md. II 22; Nebr. V 24; N.D. III 84; Utah VII 20; Wyo. IV 13.)

Fixed at $2,000 "and no more". (Tex. IV 21.)

Not to exceed $2,000. (Ga. V Sec. II 3.)

Fixed at $2,500. (Mich. VI 21; Okla. Sched. 15; Wash. III 17.)

Fixed at $3,000. (Mont. VII 4; N.M. V 12.)

Fixed at $3,500. (Ariz. V 13.)

Fixed at $5,000. (Cal. V 19; La. 81.)

Acting as governor, same as governor. (Ala. V 129; La. 67; Mich. VI 18; N.M. V 7.)

Acting as governor, same as governor, except in case of temporary disability or absence from state. (Utah VII 11.)

Increase or Decrease

In General

Allowed. (Ariz. V 13; Ida. IV 19; Mont. VII 4; N.D. III 84; Okla. Sched. 15; Utah VII 20; Wyo. IV 13.)

Allowed after eight years from adoption of constitution. (Fla. IV 29.)

Allowed after 10 years from date of admission as state. (N.M. V 12.)

Allowed, but total not to exceed $2,500. (Ark. XIX 11.)

Increase allowed, but total not to exceed $3,000. (Wash. III 17.)

Salary not to exceed $2,000. (Ga. V Sec. II 3.)

Increase prohibited. (Mich. VI 21; S.D. XXI 2; Tex. IV 21.)

May be diminished, but not increased. (Cal. V 19.)

During Term

Increase during term of office prohibited. (Mont. VII 4.)

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SECRETARY OF STATE (*Cont'd*)
COMPENSATION (*Cont'd*)
Increase or Decrease (*Cont'd*)
During Term (*Cont'd*)
Prohibited during official term. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; W.Va. VII 19.)
Prohibited during period for which elected. (Ala. V 118; Cal. V 19; Kan. I 15; N.Y. V 1; N.C. III 15; N.D. III 84; Ohio III 19; Okla. VI 34; S.C. IV 24; Wyo. IV 13.)
Prohibited to extent that it affects salary during term. (Ida. IV 19, V 27.)
Prohibited to extent that it affects salary during term, unless vacancy occurs, in which case successor to receive only salary provided by law at time of election or appointment. (Utah VII 20.)
Compensation Other Than Salary
Emolument or allowance other than salary, prohibited. (N.C. III 15.)
Salary to be in full payment for all services rendered. (N.M. V 12.)
Salary to be in full for all services rendered in official capacity or employment during term of office. (Cal. V 19; Ida. IV 19; Mont. VII 4; Utah VII 20.)
Compensation limited to salary. (Ala. V 137; Ark. XIX 11; Ill. V 23; Ky. 96; La. 81; Mo. V 24; Nebr. V 24; N.M. V 12; N.Y. V 1; Okla. VI 34; W.Va. VII 19.)
Compensation limited to salary, except necessary expenses when absent from seat of government on business of state. (Ga. V Sec. II 7.)
Not to receive additional compensation beyond salary for services rendered state in connection with internal improvement fund or other interests belonging to state. (Fla. IV 29.)
Fees for performance of duties not to be received. (Ida. IV 19; Mont. VII 4; N.M. V 12; Utah VII 20.)
Fees or perquisites for performance of duties not to be received. (Ala. V 137; Ark. XIX 11; Cal. V 19; Ill. V 23; La. 81; Mich. VI 21; Mo. V 24; Nebr. V 24; N.Y. V 1; Okla. VI 34; Ore. XIII 1; S.D. XXI 2; Tex. IV 23; W. Va. VII 19.)
Fees or perquisites not to be received, except necessary expenses when absent from seat of government on business of state. (Ga. V Sec. II 7.)
Fees or perquisites for performance of duty connected with office or for performance of additional duty imposed by law not to be received. (Nev. XVII 5.)
Costs not to be received. (Ala. V 137; Ark. XIX 11; Ill. V 23; Mo. V 24; Nebr. V 24; Okla. VI 34; Tex. IV 23; W.Va. VII 19.)
Interest on public moneys in hands or under control, not be received to own use. (Nebr. V 24.)
Payment into treasury, *See below, this title,* FEES.

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SECRETARY OF STATE (*Cont'd*)
COMPENSATION (*Cont'd*)
Expenses
Necessary expenses when absent from seat of government on business of state. (Ga. V Sec. II 7.)
Legislature may provide for actual and necessary expenses while traveling in state in performance of official duty. (Ida. IV 19; Utah VII 20.)
Legislature may provide for payment of actual or necessary expenses incurred while in performance of official duty. (Ida. V 27.)
No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)
Appropriations for clerical and other expenses to specify each item and not to exceed in any one year $10,000, including salary of assistant secretary and expenses of insurance department. (La. 82.)
Clerical expenses not to exceed $1,000 a year. (Ga. V Sec. II 3.)
Payment
Monthly. (La. 81.)
Quarterly. (Ida. IV 19; Mont. VII 4; Nev. XVII 5; N.M. V 12; Utah VII 20.)
DEPUTIES AND ASSISTANTS
May appoint deputy, for whose conduct he is responsible; in case of death, removal or inability of secretary, deputy to exercise duties until another secretary appointed. (N.H. II 68.)
May appoint and remove assistant secretary of state, to perform acts and duties of office in case of absence or disability of secretary, or under his direction. (La. 79.)
May appoint deputies, for whose conduct he is accountable. (Mass. Pt. II Ch. II Sec. IV 2; Me. V Pt. III 2.)
No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)
Clerical expenses not to exceed $1,000 a year. (Ga. V Sec. II 3.)
Appropriations for clerical and other expenses to specify each item and not to exceed in any one year $10,000, including salary of assistant secretary and expenses of insurance department. (La. 82.)
DUAL OFFICE HOLDING, *See below, this title*, QUALIFICATIONS AND DISQUALIFICATIONS.
ELECTION
Under this subhead are digested those provisions which specifically refer to this officer. For provisions relating to elections in general, See the title "ELECTIONS"; *for provisions allowing the legislature to establish offices and provide for their election or appointment, See the title* "PUBLIC OFFICERS".
Electors
Qualified electors of state. (Ala. V 114; Ark. VI 3; Colo. IV 3; Ida. IV 2; Ind. VI 1; Iowa IV 22; Kan. I 1; Ky. 91; La. 79; Minn. V 1; Mont. VII 2; N.C. III 1; N.D. III 82; Ohio III 1; Ore. VI 1; S.C. IV 24; S.D. IV 12; Utah VII 2; Va. V 80; Wis. VI 1; Wyo. IV 11.)

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SECRETARY OF STATE (*Cont'd*)

ELECTION (*Cont'd*)

Electors (*Cont'd*)

Same as for governor. (Cal. V 17; Mass. Amend. 17; Miss. V 133, 143; Nev. V 19; Vt. II 40.)

Same as for members of legislature. (Ga. V Sec. II 1.)

Joint vote of legislature. (Me. V Pt. III 1; N.H. II 66; Tenn. III 17.)

Time and Places

As prescribed by law. (W.Va. VII 2.)

Same as for governor. (Cal. V 17; Fla. IV 20; Ga. V Sec. II 1; Mass. Amend. 17; Miss. V 133, 143; Nev. V 19; N.Y. V 1, 2; Vt. II 40; Va. V 80.)

At same time as governor, on first Tuesday after first Monday in November, 1895, and every four years thereafter. (Ky. 91, 95.)

Same as for members of legislature. (Ala. V 114; Ark. VI 3; Ida. IV 2; Kan. I 1; Mont. VII 2; N.C. III 1; N.D. III 82; Ore. VI 1; S.D. IV 12; Utah VII 2; Wis. VI 1; Wyo. IV 11.)

Same as for members of lower house. (La. 79.)

At general election. (Colo. IV 3; N.Y. V 1, 2.)

At general biennial election. (Mich. VI 1.)

At general election in 1876 and every four years thereafter. (Mo. V 2.)

Biennially at first session of legislature. (Me. Pt. III 1.)

Biennially at first Tuesday after first Monday of November. (Vt. II 35.)

Tuesday after first Monday in November, at places for voting for members of legislature. (Ohio III 1.)

Tuesday after first Monday in November, 1872, and every four years thereafter. (Ill. V 3.)

Tuesday after first Monday in November, 1876, and biennially thereafter. (Nebr. V 1.)

Tuesday after first Monday of November, 1886, and biennially thereafter. (Conn. Amend. XXVII 1.)

At town, ward and district meetings on Tuesday after first Monday in November, 1912, and biennially. (R.I. Amend. XVI.)

Returns and Canvass

Contested elections, *See below, this subdivision*, CONTESTED ELECTIONS.

Election in case of tie vote, *See below, this subdivision*, TIE VOTE.

Returns made in manner prescribed by law. (Ida. IV 2; Mont. VII 2; Vt. II 40.)

Same as for governor. (Cal. V 17; Ga. V Sec. II 1; Mass. Amend. 17; Miss. V 133, 143; Nev. V 19.)

Fact of election ascertained as in case of governor. (Va. V 80.)

Votes to be returned, counted, canvassed and declared by treasurer and comptroller. (Conn. IV 18.)

Majority vote necessary to choice. (Ga. V Sec. I 5, Sec. II 1.)

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SECRETARY OF STATE (*Cont'd*)
ELECTION (*Cont'd*)
Returns and Canvass (*Cont'd*)
Majority of electoral votes and also majority of popular vote, necessary to choice. (Miss. V 134, 140, 143.)
Specific provisions appear in constitution, but since same as for election of governor, are not repeated here. *See* GOVERNOR — ELECTION. (Ala. V 115; Ark. VI 3; Colo. IV 3; Ill. V 4; Kan. I 2; Minn. V 2; Mo. V 3; Nebr. V 4; N.C. III 3; Ohio III 3, 4; Wash. III 4; W.Va. VII 3.)
Failure to Elect
Legislature, on organization, to meet in joint convention and elect, by majority vote, person to fill the office, who shall serve for full term and until successor elected and qualified. (R.I. Amend. XI 3, 7.)
Failure to receive highest number of votes, *See below, this subdivision*, TIE VOTE.
Contested Elections
Procedure in case of tie vote, *See below, this subdivision*, TIE VOTE.
Determined as prescribed by law. (Ida. IV 2; Mo. V 25; Mont. VII 2.)
Determined by legislature in manner prescribed by law. (Ala. V 115; Ga. V Sec. I 6, Sec. II 1; Wash. III 4.)
Determined by both houses of legislature by joint ballot in manner prescribed by law. (Colo. IV 3; Ill. V 4; Nebr. V 4; N.C. III 3.)
Determined by members of both houses in joint session at first session of legislature after election in which contest arises. (Ark. VI 4.)
Contests concerning vote of county or district to be decided by majority of whole number of members of lower house by a *viva voce* vote recorded in journal. (Miss. V 133, 140.)
Tie Vote
Legislature at next regular session to elect forthwith by joint vote one of persons in tie. (Ariz. V 1; Ida. IV 2; Mont. VII 2; Utah VII 2.)
Legislature by joint vote to elect one of persons in tie. (Cal. V 4, 17; Colo. IV 3; Ill. V 4; Kan. I 2; Mo. V 3; Nebr. V 4; Nev. V 4, 19; N.C. III 3; Ohio III 3; Wash. III 4; W.Va. VII 3.)
Legislature by joint vote to elect one of persons in tie; majority vote necessary to choice. (R.I. Amend. XI 3, 7.)
Legislature by joint vote to elect one of persons in tie; majority of members elected necessary to choice. (Ark. VI 3.)
Legislature by joint vote without delay to elect one of persons in tie. (Ala. V 115.)
Legislature on second day of session by joint vote to elect without debate one of persons in tie. (Conn. Amend. XXX.)

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SECRETARY OF STATE (*Cont'd*)

ELECTION (*Cont'd*)

Tie Vote (*Cont'd*)

If failure to elect, or if person elected dies, legislature on or before third Wednesday in January thereafter, to choose by joint ballot, one of persons in tie. (Mass. Amend. 17.)

If no person has majority, legislature immediately to elect one of two persons having highest vote, election by *viva voce* vote, and majority of members present necessary to choice. (Ga. V Sec. I 5, Sec. II 1.)

If no person receives majority of electoral votes and also majority of popular vote, lower house elects one of two persons having highest number of popular votes. Election by *viva voce* vote recorded in journal. (Miss. V 133, 141.)

Election to Fill Vacancy, *See below, this title,* VACANCY IN OFFICE.

EXPENSES, *See above, this title,* COMPENSATION.

FEES

As to whether fees may be received, See above, this title, COMPENSATION — COMPENSATION OTHER THAN SALARY.

Fees and profits to be covered into treasury. (N.D. III 84; Wyo. IV 13.)

Fees payable by law to be paid in advance into treasury. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; Nebr. V 24; W.Va. VII 19.)

Fees payable by law to be collected in advance and deposited with treasurer quarterly to credit of state. (Ida. IV 19; Mont. VII 4; Utah VII 20.)

Fees payable by law to be paid at once into treasury. (Ala. V 137.)

Fees payable by law to be collected and paid into treasury monthly to credit of general fund. (La. 81.)

Fees to be covered into treasury. (Ky. 93.)

Fees payable by law to be paid when received into treasury. (Tex. IV 23.)

Fees received paid into treasury monthly. (Va. V 80.)

IMPEACHMENT

See also IMPEACHMENT.

For misdemeanor in office. (Cal. IV 18.)

For corrupt conduct in office or for crimes and misdemeanors. (Minn. XIII 1.)

For crime in official capacity which may require disqualification. (Tenn. V 4.)

For high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office. (Mo. VII 1.)

For "high crimes and misdemeanors, for nonfeasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion, or oppression in office, or for gross misconduct, or habitual drunkenness". (La. 217.)

For wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics, or offense involving moral turpitude in office. (Ala. VII 173.)

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SECRETARY OF STATE (*Cont'd*)

OATH OF OFFICE

Form prescribed, affirmation allowed. (Minn. V 8.)

Administered by governor or justice of highest court. (R.I. IX 5.)

OFFICE AND PUBLIC RECORDS

Office to be kept at seat of government. (Ariz. V I; Ark. VI 1; Kan. Sched. 6; Mich. VI 1; Nev. XV 12; N.D. III 82; Okla. VI 1; S.D. IV 12; Wis. VI 2; Wyo. IV 11.)

Office to be kept at seat of government, but in case of invasion or violent epidemics, governor may direct office to be removed temporarily to other place. (Fla. XVI 10.)

Public records to be kept at seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Mo. V 1; Mont. VII 1; Nebr. V 1; N.M. V 1; Okla. VI 1; Ore. VI 5; Utah VII 1; Wash. III 24; W.Va. VII 1.)

Seal of office to be kept at seat of government. (N.M. V 1.)

POWERS AND DUTIES

As prescribed by law. (Ala. V 134, 137; Ark. VI 22; Cal. V 18; Conn. IV 18; Del. III 10; Fla. IV 21; Ill. V 1; Ind. VI 1; Iowa IV 22; Ky. 91, 93; Md. II 23; Mich. VI 1, 20; Minn. V 5; Miss. V 133; Mo. V 1; Nebr. V 1; Nev. V 22; N.Y. V 6; N.C. III 13; N.D. III 83; Okla. VI 17; Ore. VI 2; Pa. IV 18; R.I. VII 12; S.C. IV 24; S.D. IV 13; Tenn. III 17; Tex. IV 21; Utah VII 16; Va. V 80; Wash. III 17; W.Va. VII 1; Wis. VI 2; Wyo. IV 12.)

As prescribed in constitution and by-law. (Ariz. V 1, 9; Ida. IV 1; Me. V Pt. III 4; Mont. VII 1; Okla. VI 1; Utah VII 1.)

Keeper of capitol. (Fla. IV 21; Miss. V 133.)

To be auditor *ex officio*. (N.J. VIII 1; Ore. VI 2; Wis. VI 2.)

To discharge duties of superintendent of public instruction until otherwise provided by law. (Ark. VI 21.)

To be secretary of senate *ex officio* unless otherwise provided by law. (R.I. VI 4.)

Register of prerogative court, and perform duties required by law in that respect. (N.J. VI Sec. IV 4.)

Clerk of highest court. (N.J. VI Sec. II 4.)

Clerk of court of impeachment. (N.J. VI Sec. III 4.)

Authenticate publication of laws. (Tex. IV 21.)

Superintend office in person. (Mich. VI 1.)

Attend governor and council and legislature in person or by deputies. (Mass. Pt. II Ch. II Sec. IV 2; Me. V Pt. III 3; N.H. II 67.)

Succession to governorship, *See* GOVERNOR.

Assist legislature in annual examination and settlement of accounts, until otherwise provided by law. (N.J. VIII 1.)

Clerical duties belonging to executive department. (Md. II 23.)

Keeping of public records, *See* PUBLIC RECORDS.

QUALIFICATIONS AND DISQUALIFICATIONS

Age

Twenty-five years. (Ariz. V 2; Colo. IV 4; Miss. V 133; Mo. V 19; N.D. III 82; Wyo. IV 11.)

Twenty-five years at time of election. (Ala. V 132; Ga. V Sec. II 6.)

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SECRETARY OF STATE (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Age (*Cont'd*)

Twenty-five years (at time of election?). (Ida. IV 3; Mont. VII 3.)

Thirty years. (N.M. V 3; Okla. VI 3.)

Thirty years at time of election. (Ky. 91; Utah VII 3.)

Citizenship

In United States. (Colo. IV 4; Ida. IV 3; Mo. V 19; Mont. VII 3; N.M. V 3; N.D. III 82; Okla. VI 3; Wyo. IV 11.)

In United States for seven years (preceding election?). (Ala. V 132.)

In United States for 10 years preceding election (Ariz. V 2.)

In United States for 10 years (preceding election?). (Ga. V Sec. II 6.)

In state for two years preceding election. (Ky. 91.)

In state for five years preceding election. (Ariz. V 2; Miss. V 133; Utah VII 3.)

In state for six years preceding election. (Ga. V Sec. II 6.)

Dual Office Holding

Ineligible to legislature. (Ark. V 7; Conn. X 4; Ill. IV 3; N.D. II 37; S.D. III 3; Tenn. II 26.)

Ineligible to legislature during term for which appointed. (Tex. III 19.)

Ineligible to legislature, but acceptance of office to operate as resignation of seat in legislature. (Mass. Pt. II Ch. VI 2.)

Ineligible to office in either branch of legislature. (N.D. II 37.)

Ineligible as governor, member of legislature or councillor; but election to office and acceptance to operate as resignation of seat in chair, legislature or council, and vacancy to be filled. (N.H. II 94.)

Ineligible to other office during term of service. (W.Va. VII 4.)

Ineligible to other office during term of office, except member of state board of education. (Mont. VII 4.)

Ineligible to other office during period for which elected. (Ill. V 5.)

Ineligible to other state office during period for which elected. (Nebr. V 2.)

Ineligible to other office or commission, civil or military, in state or under other state or United States or any power. (Ark. VI 22.)

Ineligible to office of attorney-general, insurance commissioner, treasurer, auditor, prothonotary, clerk of the peace, register of wills, recorder, sheriff or coroner. (Del. III 11.)

Electoral

Must be qualified elector at time of election. (Utah VII 3.)

Must have been qualified elector of state for three years preceding election. (Okla. VI 3.)

Must have qualifications of state electors. (N.D. III 82; Wyo. IV 11.)

Any elector eligible. (Nev. V 19.)

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SECRETARY OF STATE (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Prior Service in Office as Disqualification
Ineligible as own successor. (Ala. V 116; Okla. VI 4.)
Ineligible to re-election for four years after term for which elected. (Ky. 93.)
Ineligible more than four in any period of six years. (Ind. VI 1.)
Ineligible more than eight in any period of 12 years. (Ore. VI 1.)
Ineligible to state office for two years after expiration of two consecutive terms. (N.M. V 1, 1914.)
Residence
Residence during term, *See below, this title,* RESIDENCE.
In state for two years preceding election. (Colo. IV 4; Ida. IV 3; Ky. 91; Mont. VII 3.)
In state for five years preceding election. (Ala. V 132; Mo. V 19; Utah VII 3.)
In state for five years preceding election or appointment. (Mass. Amend. 17.)
In state continuously for five years preceding election. (N.M. V 3.)
Sex
See also above, this subdivision, ELECTORAL.
Must be male. (Ariz. V 2; Mo. V 19; Okla. VI 3.)
REMOVAL
By governor on joint address of two-thirds of members elected to each house of legislature for good cause. (Ark. XV 3.)
Impeachment, *See above, this title,* IMPEACHMENT.
RESIDENCE
As qualification for office, See above, this title, QUALIFICATIONS AND DISQUALIFICATIONS.
At seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Md. II 22; Mo. V 1; Mont. VII 1; Nebr. V 1; N.M. V 1; Ore. VI 5; Utah VII 1; Wash. III 24; W.Va. VII 1.)
At seat of government, except during epidemics. (Ala. V 118.)
ROTATION IN OFFICE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.
TERM OF OFFICE
Length
Same as for governor. (Cal. V 17; Fla. IV 20; Ga. V Sec. II 1; Nev. V 19; Va. V 80.)
During pleasure of governor. (Del. III 10; Pa. IV 8.)
During term of service of governor. (Tex. IV 21.)
During term of governor appointing him, unless sooner removed by governor. (Md. II 22.)
One year. (Mass. Amend. 17.)
Two years. (Ariz. V 1; Ark. VI 1; Colo. IV 1; Conn. Amend. XXVII 2; Ida. IV 1; Ind. VI 1; Iowa IV 22; Kan. I 1;

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SECRETARY OF STATE (*Cont'd*)

TERM OF OFFICE (*Cont'd*)

Length (*Cont'd*)

Mich. VI 1; Minn. V 5; Nebr. V 1; N.M. V 1 [1914]; N.Y. V 1, 2; N.D. III 82; Ohio III 2, XVII 2; R.I. Amend. XVI; S.C. IV 24; S.D. IV 12; Wis. VI 1.)

Four years. (Ala. V 116; Ill. V 1; Ky. 91; La. 79; Miss. V 133, 136; Mo. V 2; Mont. VII 1; Okla. VI 4; Ore. VI 1; Tenn. III 17; Utah VII 1; Wash. III 3; W.Va. VII 1; Wyo. IV 11.)

Five years. (N.J. VII Sec. II 4.)

To serve until successor qualified (regardless of length of term specified). (Ala. V 116; Ark. VI 1; Conn. Amend. XXVII 2; Ill. V 1; Iowa IV 22; Kan. I 1; Ky. 91; Mass. Amend. 17; Minn. V 5; Miss. V 136; Mo. V 2; Mont. VII 1; Nebr. V 1; N.D. III 82; Ohio III 2; R.I. Amend. XVI; S.C. IV 24; Wash. III 3; Wyo. IV 11.)

Re-election to Same Office, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

Time of Beginning

Same as for governor. (Cal. V 17; Fla. IV 20, 28; Ga. V Sec. II 1; Nev. V 19; Va. V 80.)

January first after election. (N.M. V 1; N.C. III 1.)

First Monday in January after election. (Ariz. V 1; Ida. IV 1; Ky. 91; Mont. VII 1; Utah VII 1.)

First Tuesday of January after election. (R.I. Amend. XVI.)

Wednesday after first Monday of January after election. (Conn. Amend. XXVII 2.)

First Thursday [after] first Tuesday in January after election. (Nebr. V 1.)

Second Monday of January after election. (Ill. V 1; Kan. I 1; Mo. V 2; Ohio III 2; Okla. VI 4.)

Second Monday of January after election until otherwise provided by law. (Wash. III 4.)

Second Tuesday of January after election. (Colo. IV 1.)

First Monday after second Tuesday in January after election. (Ala. V 116.)

Third Wednesday in January after election. (Mass. Amend. 17.)

March fourth after election. (W.Va. VII 1.)

VACANCY IN OFFICE

Filled by governor with advice and consent of senate. (La. 79.)

Filled by governor for unexpired term. (Ark. VI 22.)

Filled by governor until successor elected and qualified. (Ill. V 20; Mont. VII 7.)

Filled by governor until successor elected and qualified as provided by law. (Colo. IV 6; Ida. IV 6; Nebr. V 20; Utah VII 10; W.Va. VII 17.)

Filled by governor until next annual election and until successor qualified. (Minn. V 4.)

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SECRETARY OF STATE (*Cont'd*)

VACANCY IN OFFICE (*Cont'd*)

Filled by governor until disability removed or a successor elected and qualified; unsoundness of mind ascertained by highest court on suggestion of governor. (Ala. V 136.)

Filled by governor till disability removed or successor qualified; election at first general election more than 30 days after vacancy occurs, to fill for remainder of unexpired term. (N.C. III 13.)

During session of legislature, filled by joint vote of legislature from people at large; if vacancy during recess, filled by governor with advice and consent of council. (Mass. Amend. 17.)

Filled by legislature in joint convention if in session; if not, governor fills until successor elected by legislature and qualified. (R.I. Amend. XI 5.)

In case secretary of state-elect dies, removes from state, refuses to serve, becomes insane or otherwise incapacitated, or if failure to elect, legislature, upon its organization, to meet in joint convention and elect, by majority vote, person to fill the office. If election by legislature is because of the failure of candidate to receive plurality of votes election to be made from persons who receive same and largest number of votes. Person elected serves for remainder of term or full term, as case may be, and until successor qualified. (R.I. Amend. XI 3, 7.)

Caused by impeachment, displacement, resignation, death or incapacity for other reason to perform duties, filled by governor until disability removed and successor elected anl qualified. Vacancy to be filled by election at first general election more than 30 days after happening, and person elected to hold office for unexpired term. (Kan. I 14.)

In case of death, impeachment, resignation or other disability, filled by governor until disability removed or successor elected and qualified. Election to be held at first general election more than 30 days after vacancy occurs, and successor holds office for full term. (Ohio III 18.)

When he acts as governor, unless during temporary disability of governor; vacancy filled as directed by constitution. (Del. III 20.)

Failure to qualify deemed to create vacancy. (Mass. Amend. 17.)

SEIZURES, *See* SEARCHES AND SEIZURES.

SENTENCES, *See* CRIMES.

SEPARATION OF POWERS, *See* DISTRIBUTION OF POWERS.

SHERIFFS

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See "PUBLIC OFFICERS", *and* "COUNTIES — OFFICERS".

For liability of county for acts of sheriff, See COUNTIES — FINANCES — CLAIMS BY AND AGAINST.

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SHERIFFS (*Cont'd*)

IN GENERAL

Sheriff to be member of executive department of state. (Ala. V 112.)

Sheriff to be commissioned by governor. (Ark. VII 46, 48; Del. III 22.)

Legislature to provide by general and uniform laws for election or appointment in each county. (Cal. XI 5.)

Governor not to have power to remit fees of sheriff in penal or criminal cases (this occurs as an exception to remission of fines, etc.). (Ky. 77.)

When civil sheriff is party in interest one of his deputies to act. (La. 142.)

Governor to appoint sheriff in new county to hold until next succeeding general election and until successor qualifies. (Mo. IX 10.)

Jurisdiction of sheriff not to be regulated by local, private or special law. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Practice of sheriff not to be regulated by local, private or special law. (Mo. IV 53; Okla. V 46; Pa. III 7; Tex. III 56.)

Legislature to have power to "increase, diminish, consolidate or abolish the following county officers" (including sheriff). (Nev. IV 32.)

Office of sheriff created for each organized county. (Okla. XVII 2.)

Sheriff to be one of county officers. (Pa. XIV 1.)

Local or special legislation regulating practice or jurisdiction of and changing rules of evidence in judicial proceedings of, forbidden. (Tex. III 56.)

ACCOUNTING FOR PUBLIC FUNDS

See also below, this title, FEES.

To "account to and settle with" city of New Orleans for fines and judgments collected by him without deductions; all expenses to be paid by city. (Criminal sheriff.) (La. 142.)

Failure to settle accounts renders ineligible to hold office of governor or seat in legislature. (N.H. II 94.)

Sheriff "disqualified for the office a second time" if in default for moneys collected by virtue of his office. (S.C. V 30.)

Laws to be enacted and enforced by suitable provisions in counties requiring sheriffs who receive or pay out money for the state, county, district or municipal corporation, to make annual account and settlement therefor. Settlement, when made, to be "subject to exceptions, and take such direction and have only such force and effect as may be provided by law", settlement to be recorded and open to examination of people at convenient place appointed by law. (W.Va. VI 27.)

BOND

For failure to comply rendering office vacant, See below, this title, VACANCY IN OFFICE — WHAT CONSTITUTES.

Shall become bound in sufficient sureties to state treasurer for faithful discharge of duties of office. (Conn. Amend. VII.)

Before entering on duties and as often thereafter as may be deemed proper to give bond and security prescribed by law. (Ky. 103.)

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SHERIFFS (*Cont'd*)
BOND (*Cont'd*)
Sheriff elected or appointed to give bond within 30 days from date of commission. (La. 119.)
To give separate bonds for performance of his duties "in each capacity" (collector of state, parish and other taxes except municipal), bonds to be according to existing law until otherwise provided. (La. 119.)
Civil sheriff, $50,000; criminal sheriff $10,000—both bonds to be examined in open court (New Orleans). (La. 142.)
To give such bond as required by law. (Md. IV Pt. VII 44.)
May be required to renew security from time to time. (Mich. VIII 5.)
To give security before entering upon office in amount and manner prescribed by law. (Mo. IX 10.)
Bond to be renewed annually. (N.J. VII 2, 7.)
May be required by law to give new security from time to time. (N.Y. X 1; Wis. VI 4.)
To give security to county treasurer in manner and sums provided by legislature before entering upon duties. (Vt. II 25.)
COMPENSATION
Salary
Legislature to regulate "in proportion to duties". (Cal. XI 5.)
To be paid such salary or compensation either from fees, perquisites or emoluments of his office or from general county fund as provided by law. This section to govern unless otherwise expressly provided by constitution. (Colo. XIV 8.)
Legislature to fix by law. (Fla. VIII 6; Nev. IV 32.)
In Cook county to receive as only compensation salary not exceeding salary of circuit court judge in that county and to be paid only out of fees of the office actually collected. (Ill. X 9.)
In counties having population of 75,000 or more to be paid out of state treasury by salary fixed by law; but salary of sheriff and deputies and necessary office expenses not to exceed 75 per cent. of fees collected by him and paid into treasury. (Ky. 106.)
Salary in parish of Orleans prescribed, payable by city of New Orleans monthly; to receive no other compensation. (Criminal sheriff.) (La. 142.)
For sheriff of Baltimore, including one elected in 1913, such compensation as may be fixed by law, not exceeding $6,000, and expenses fixed by law for conduct of office, both to be paid in such manner and at such times as prescribed by law. (Md. IV 44.)
Legislature to regulate compensation in proportion to duties and for that purpose may classify counties according to population. (Wash. XI 5.)
Constitution classifies counties into those having assessed valuation not exceeding $2,000,000, those having more than $2,000,000 and not exceeding $5,000,000, and those having more than

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SHERIFFS (*Cont'd*)

COMPENSATION (*Cont'd*)

Salary (*Cont'd*)

$5,000,000, and fixes definite limits of salaries for each class, leaving exact salary to legislature. These provisions to apply to any officers of county performing duties usually performed by those named regardless of title to their offices. (Wyo. XIV 3, 5.)

Other Than Salary

Legislature not to authorize or require and county not to have authority to increase or decrease fees and compensation of any public officers during their terms of office, but this not to prevent legislature increasing or diminishing allowances to sheriffs or other officers for feeding, transferring or guarding prisoners. This does not apply to allowances by commissioners' court or boards of revenue to county officers for *ex-officio* services. (Ala. IV 68.)

Fees for sheriff as executive officer of circuit court of record (for specified counties) to be fixed by law. (Fla. V 30.)

Parish to pay for "his services in criminal matters — the keeping of prisoners, conveying convicts, insane persons, juveniles, lepers, and other persons committed to any institution of the state, service of process from another parish, and service of process or the performance of any duty beyond the limits of his own parish excepted —" not exceeding $500 for each representative of the parish in the lower house of legislature. (La. 120.)

Compensation as tax collector not to exceed 5 per cent. on sums collected and paid over. (La. 120.)

Civil sheriff in parish of Orleans to receive as compensation fees allowed by law and to pay his deputies and his office expenses. (La. 142.)

Fees, salaries and emoluments to be provided for by law. (N.C. IV 18.)

Perquisites and fees to be prescribed by legislature. (Tex. V 23.)

In addition to salary may receive fees prescribed by law for services in civil cases. (Wyo. XIV 2.)

DEPUTIES AND ASSISTANTS

Deputy not to be member of legislature. (Conn. X 4; Me. IX 2.)

When authorized by county commissioners the sheriff may appoint such deputies and assistants as the duties of his office require at compensation fixed by county commissioners. (Ida. XVIII 6.)

In Cook county number of deputies and assistants to be determined by rule of circuit court and entered of record and compensation to be fixed by county board. (Ill. X 9.)

Sheriff not to act as deputy for succeeding term. (Ky. 99.)

Criminal sheriff to appoint with approval judges of district court such number as judges deem necessary at salaries fixed by city council and paid by city; each of such judges to name one deputy to serve as court crier at specified salary; these to perform duties required by sheriff when not engaged in court. (La. 142.)

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SHERIFFS (*Cont'd*)

DEPUTIES AND ASSISTANTS (*Cont'd*)

Acceptance of seat in Congress vacates office. (Me. IX 2.)

Deputy-sheriff not to be sheriff for next term; sheriff not to act as deputy to successor. (W.Va. IX 3.)

DUAL OFFICE HOLDING, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

ELECTION

Electors

To be elected in each county by qualified electors. (Ala. V 138; Ark. VII 46; Del. III 22; N.Y. X 1; S.C. V 30; Tenn. VII 1; Tex. V 23; Va. VII 110; Wis. VI 4.)

To be elected by qualified electors in each organized county subject to change by law. (Ariz. XII 3.)

Legislature to provide for election of by qualified electors in each county. (Fla. VIII 6.)

To be elected by legal voters of counties (created by amendment) entitled to vote for members of legislature. (Ga. XI 1, 2.)

Voters of each county to elect. (Ind. VI 2; Mo. IX 10; Ore. VI 6; W.Va. IX 1, 2.)

Qualified voters of each parish, except Orleans. (La. 119.)

In parish of Orleans "a civil and a criminal sheriff" to be elected by voters. (La. 142.)

Elected by people of respective counties by plurality of votes given. (Me. IX 10.)

To be elected by people of the several districts under general law. (Mass. Amend. XIX.)

To be elected in each county in manner provided by law for each county. (Miss. V 135, 138.)

Legislature to provide for election by the people. (Nev. IV 32.)

To be elected by inhabitants of towns in the several counties "according to the method now practiced" and laws of state; but legislature may change manner but not deprive people of right to elect. (N.H. II 70.)

To be elected by "people" of county. (N.J. VII 2, 7.)

Qualified voters of each county to elect "as prescribed for members of legislature". (N.C. IV 24.)

To be elected by freemen of their respective counties. (Vt. II 45.)

Legislature to provide by general and uniform laws for election in each county. (Wash. XI 5.)

Time and Place

Legislature to provide by general and uniform laws for election or appointment in each county. (Cal. XI 5.)

To be elected in each county at the time members of the legislature are elected. This section to govern except as otherwise expressly provided by constitutional provisions. (Colo. XIV 8.)

Shall be elected in each county on Tuesday after first Monday of November. (Conn. Amend. XXVIII.)

At general elections. (Del. III 22; Ind. VI 2; Ore. VI 6.)

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SHERIFFS (*Cont'd*)

ELECTION (*Cont'd*)

Time and Place (*Cont'd*)

To be elected in each county. (Fla. V 15; Ky. 99.)

Legislature to provide by general and uniform laws for election of sheriff biennially in each county. (Ida. XVIII 6.)

To be elected in each county at general election Tuesday after first Monday November, 1882, and every four years following. (Ill. X 8.)

At general election. (La. 119.)

If not fixed by constitution to be at time parochial and municipal elections (New Orleans). (La. 152.)

On second Monday of September. (Me. IX 10.)

One to be elected in each county every two years and in Baltimore in 1915 at general election and every four years thereafter. (Md. IV 44.)

To be elected biennially in each organized county. (Mich. VIII 3; S.D. IX 5.)

First Tuesday following first Monday November, 1908, and every four years thereafter. (Mo. IX 10.)

At election for legislature. (N.J. VII 2, 7.)

To be elected in each organized county. (N.D. X 173.)

Biennially, first Tuesday after first Monday November. (Vt. II 35.)

FEES

See also above, this title, COMPENSATION — OTHER THAN SALARY.

Legislature to establish fees to be collected by sheriff for services performed "in the manner and for the uses provided by law, and for this purpose may classify counties by population". (Cal. XI 5.)

Fees (for acting as executive officer of circuit court of record) to be fixed by law. (Fla. V 30.)

In Cook county all fees, perquisites and emoluments in excess of amount allowed for salaries to be paid into county treasury. (Ill. X 9.)

Legislature to provide general fee bill or bill of costs regulating fees and compensation in civil matters. (La. 129.)

To continue as fixed by law until otherwise provided by law. (La. 153.)

Legislature to provide for strict accountability as to fees collected and all public moneys paid to or which officially come into his possession. (Wash. XI 5.)

INDICTMENT

Subject to for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law; but officer to have right to appeal to court of appeals. (Ky. 227.)

Subject to indictment for malfeasance, misfeasance or neglect of official duty. (W.Va. IX 4.)

PLACE OF OFFICE

To keep office in town or place within county in which superior court usually held. (Del. III 23.)

To hold office at county seat. (Mich. VIII 4.)

To keep office in the county town. (Pa. XIV 4.)

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SHERIFFS (*Cont'd*)

POWERS AND DUTIES

To be prescribed by law. (Ariz. XII 4; Ark. VII 46; Fla. V 15, VIII 6; Md. IV 44; Mich. VIII 3; Nev. IV 32; Tex. V 23; Wash. XI 5.)

To be *ex-officio* collector of taxes unless otherwise provided by law. (Ark. VII 46.)

Legislature to prescribe by general and uniform laws. (Cal. XI 5.)

To be conservator of peace in county in which resident. (Del. XV 1.)

To be executive officer of circuit court of record authorized for specified counties and duties to be fixed by law. (Fla. V 30.)

In counties where deemed expedient legislature may consolidate office of jailor with office of sheriff, and the latter shall perform duties of both offices. (Ky. 99, 105.)

Except in specified parish to be *ex-officio* collector of state, parish and all other taxes except municipal taxes, and not to be discharged as such until proof made that he has exhausted legal remedies to collect taxes. (La. 119, 120.)

Duties except as provided in constitution to be prescribed by law; civil sheriff to be executive officer of civil courts in parish of Orleans except city courts; criminal sheriff to be executive officer of all criminal courts in parish; civil sheriff to appoint necessary deputies, he to determine number. (La. 142.)

To give notice of elections authorized by constitution in manner prescribed by law. (Md. XV 8.)

To be ministerial officer of circuit and county courts and perform such other duties as required by law. (Ore. VII 16.)

To be collector of county taxes except in counties having 10,000 inhabitants. (Tex. VIII 16.)

Duties to be performed by him personally or under his superintendence. (W.Va. IX 3.)

Retiring to finish all business and for this purpose his commission and official bond to remain in force. (W.Va. IX 3.)

QUALIFICATIONS AND DISQUALIFICATIONS

In General

If impeached and convicted, not eligible to hold any office in state during time for which he had been elected or appointed; ineligible to office of governor or to seat in legislature if he fails to settle accounts as sheriff. (Ala. V 138.)

To be prescribed by law. (Ariz. XII 4; La. 142.)

Twenty-four years of age at time of election, citizen of Kentucky, resident of state two years, and in county and district in which he is candidate one year next preceding election. (Ky. 100.)

Twenty-five years of age; resident of county, or of city in case of Baltimore; citizen of state for five years preceding election. (Md. IV 44.)

No person to hold office after attaining age of 70 years. (N.H. II 77.)

Sheriff "disqualified for the office a second time" if in default

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SHERIFFS (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

In General (*Cont'd*)

of moneys collected by virtue of his office; ineligible to office of governor or to seat in legislature if he fails to settle accounts as sheriff. (N.H. II 94.)

To be elector of county in which elected. (N.D. X 173.)

Dual Office Holding

Acceptance of other office rendering office of sheriff vacant, *See below, this title,* VACANCY IN OFFICE.

Previous service in office as disqualification, *See below, this title,* ROTATION IN OFFICE.

Ineligible to seat in legislature. (Ark. V 7; Me. IX 2; W.Va. VI 13.)

Not entitled to seat in legislature. (Conn. X 4; Ill. IV 3; Mass. Pt. II Ch. VI 2; N.J. IV Sec. V 3; S.D. III 3; Va. IV 44.)

Not to hold office of secretary of state, attorney-general, insurance commissioner, state treasurer, auditor of accounts, prothonotary, clerk of the peace, register of wills, recorder, or coroner. (Del. III 11.)

Not to be justice of supreme court or of inferior court; attorney-general; county attorney; state treasurer; adjutant-general; judge of probate; register of probate; register of deeds; clerk of judicial courts. (Me. IX 2.)

Not to be at same time judge or register of probate or register of deeds. (Mass. Pt. II Ch. VI 2.)

To hold no other office. (Mich. VIII 5; N.Y. X 1; Wis. VI 4.)

Not to hold at same time office of register of deeds or judge of probate; "and never more than two offices of profit which may be held by appointment of the governor, or governor and council, or senate and house of representatives, or superior or inferior courts". (N.H. II 93.)

Not to hold any office in or be member of either house of legislature. (N.D. II 37.)

Not to hold office of governor, lieutenant-governor, justice of supreme court, treasurer of state, member of senate, member of house of representatives, surveyor-general. (Vt. II 50.)

Not to hold office of county treasurer, attorney of commonwealth, county clerk, commissioner of revenue, superintendent of the poor, county surveyor, or supervisor. (Va. VII 113.)

During term and for one year thereafter not to be eligible to any other office. (W.Va. IX 3.)

REMOVAL

May be removed under regulations prescribed by law for wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith. (Ala. VII 174, 173, 176.)

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SHERIFFS (*Cont'd*)

REMOVAL (*Cont'd*)

May be impeached as provided in constitution when prisoner taken from jail or from his or his deputy's custody and killed or suffers grievous bodily harm owing to neglect, connivance, cowardice or other grave fault of sheriff. If impeached and convicted, not to be eligible to hold any office in state during time for which he had been elected or appointed. (Ala. V 138.)

May be removed by legislature. (Conn. Amend. VII.)

May be removed by district court of domicile of officer, in parish of Orleans civil district court, for high crimes and misdemeanors, nonfeasance or malfeasance in office, for incompetency, corruption, favoritism, extortion or oppression in office, or for gross misconduct or habitual drunkenness. The district attorney may institute suit and shall institute such suit on written request of 25 resident citizens and taxpayers who may enforce request by mandamus; all parties including petitioning taxpayers, authorized to appeal; if officer acquitted petitioning citizens liable to cost; detailed provisions for preference on appeal pending suit not to operate as suspension of accused officer. (La. 222, 217.)

May be removed for malfeasance in office. (Mo. IX 10.)

Governor may remove on giving copy of charges and opportunity to be heard. (N.Y. X 1; Wis. VI 4.)

RESIDENCE

To reside or have sworn deputy within two miles of county seat. (Fla. XVI 4.)

To be in county. (S.C. V 30.)

Shall reside in county for which elected. (W.Va. IX 1, 2.)

ROTATION IN OFFICE

Not to be eligible as his own successor. (Ala. V 138; N.Y. X 1; Pa. XIV 1.)

Not eligible more than four years in any six. (Ind. VI 2; Mich. VIII 5; Ohio X 3.)

Not to be twice elected in any term of four years. (Del. III 22.)

Not eligible for re-election for four years after expiration of term for which elected. (Ill. X 8.)

Not to hold office for more than two consecutive terms. (Kan. IV 2.)

Not to be eligible to re-election or to act as deputy for succeeding term. (Ky. 99.)

Ineligible for two years after termination of office in counties; "eligible for re-election" in Baltimore; and special provision in amendment of 1914 that sheriff elected in Baltimore, 1913, shall be eligible for re-election. (Md. IV 44.)

Not eligible to "immediately succeed" himself or the county treasurer. (Miss. V 135.)

"Eligible only four years in any one period." A person elected or appointed to fill vacancy not ineligible for succeeding term. (Mo. IX 10, 11.)

Three years to elapse between terms. (N.J. VII 2, 7.)

Not to hold office for more than four years in succession. (N.D. X 173; S.D. IX 5.)

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SHERIFFS (*Cont'd*)

ROTATION IN OFFICE (*Cont'd*)

Not to be eligible more than six years in eight. (Tenn. VII 1.)

Not to be elected for two consecutive terms (deputy sheriff not to be sheriff for next term; sheriff not to act as deputy to successor). (W.Va. IX 3.)

Ineligible for two years next succeeding end of term. (Wis. VI 4.)

TERM

Four years unless sooner removed. (Ala. V 138.)

Two years. (Ariz. XII 3; Ark. VII 46; Del. III 22; Ind. VI 2; Ore. VI 6, VII 16; S.D. IX 5; Tenn. VII 1; Tex. V 23; Wis. VI 4.)

Legislature to prescribe by general and uniform laws. (Cal. XI 5.)

Commences first day of June following election and continues for four years. (Conn. Amend. XXVIII.)

Four years. (Fla. VIII 6; La. 119, 142; W.Va. IX 1, 2.)

To commence first Monday of December after election and continue for four years and until successor qualified. (Ill. X 8.)

To commence January first next after election and continue for four years and until successor qualifies. (Ky. 99.)

Two years from January 1st, next after election. (Me. IX 10.)

Two years in counties; four years in Baltimore, and in each case until successor qualifies. (Md. IV 44.)

Such as legislature prescribes. (Mass. Amend. XIX; Wash. XI 5.)

Four years and unless removed until successors duly qualified to enter on discharge of their duties. (Miss. V 135, 136.)

Four years and until successor qualifies. (Mo. IX 10; S.C. V 30.)

Three years. (N.J. VII 2, 7.)

Three years except that two or four years as legislature provides in New York, Kings and counties co-terminous with cities. (N.Y. X 1.)

Two years and until successor qualifies. (Mont. XVI 5; N.C. IV 24, 25; N.D. X 173.)

Two years from 1st February next after election. (Vt. II 48.)

VACANCIES

How Filled

By special election; but in case of vacancy occurring six months before next general election, governor to fill by appointment. (Ark. VII 50.)

Vacancies caused by death or resignation to be filled by legislature. (Conn. IV 20.)

If unexpired term is one year or more vacancy to be filled by special election called by governor within 60 days; if balance of term less than one year governor to appoint therefor. Except in specified parish coroner to act as sheriff during vacancy; if no coroner, district court to make temporary appointment; coroner not to discharge duties of tax collector while acting during vacancy. (La. 119.)

If unexpired term is more than one year to be filled by special election called by "proper legal authority" held within 60 days under general state election laws; where unexpired term is less than one year governor to fill with consent of senate for balance of term. (New Orleans.) (La. 157.)

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SHERIFFS (*Cont'd*)
VACANCIES (*Cont'd*)
How Filled (*Cont'd*)
Vacancy to be filled by election at September election next following; but governor with consent of council may fill by appointment until next January 1st. (Me. IX 10, VI 7.)
Governor to appoint for balance of term. (Md. IV 44.)
Vacancy to be filled by county court; if vacancy happens more than nine months prior to general election court shall order special election and appoint until person elected at such election qualifies. If vacancy happens less than nine months prior to general election court to appoint until person elected at such general election qualifies. (Mo. IX 11.)
Filled by election by county electors. (N.Y. X 1.)
County commissioners to fill for unexpired term. (N.C. IV 24.)
Occurring subsequent to an election to be filled by justices until successor, elected by qualified electors at the first election for any county officers, qualifies. (Tenn. VII 2.)
To be filled by commissioners' court until next general election for county or state officers. (Tex. III 23.)
Filled by appointment and appointee to hold for unexpired portion of term and until successor elected and qualified. (Wis. VI 4.)
What Constitutes
Conviction for misfeasance or malfeasance in office or wilful neglect of duties in manner prescribed by law renders office vacant. (Ky. 227.)
Failure to comply with requirement to give bond renders office vacant. (La. 119.)
Acceptance of seat in Congress renders office vacant. (Me. IX 2; Mass. Amend. VIII.)
Failure to renew security from time to time when required renders office vacant. (Mich. VIII 5.)
On being elected and taking seat in either house of legislature office of sheriff to be considered vacant. (N.J. IV Sec. V 3.)
Failure to give new security from time to time when required by law renders office vacant. (N.Y. X 1; Wis. VI 4.)
Failure to qualify renders office vacant. (N.C. IV 25.)
Qualification of sheriff as member of legislature renders office vacant. (Va. IV 44.)
Conviction of malfeasance, misfeasance or neglect of official duty renders office vacant. (W.Va. IX 4.)

SHORT BALLOT
For information as to what officers are appointed by the governor, See GOVERNOR.

SLANDER, *See* LIBEL AND SLANDER.

SLAVERY
Slavery prohibited. (Md. D.R. 24; R.I. I 4.)
Legislature to make no law recognizing right of property in man. (Tenn. I 34.)

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SLAVERY (*Cont'd*)

Slavery and involuntary servitude prohibited, except as punishment for crime. (Ala. I 32; Ark. II 27; Cal. I 18; Colo. II 26; Fla. D.R. 19; Ga. I Sec. I 17; Ind. I 37; Iowa I 23; Kan. B.R. 6; Ky. 25; Mich. II 8; Minn. I 2; Miss. III 15; Mo. II 31; Mont. III 28; Nebr. I 2; Nev. I 17; N.C. I 33; Ohio I 6; Ore. I 34; Tenn. I 33; Utah I 21; Wis. I 2.)

No male over 21 or female over 18 ought to be holden by law to serve any person as slave unless bound by own consent after arriving at such age, or bound by law for payment of debts, damages, fines, costs or the like. (Vt. I 1.)

No indenture of negro or mulatto made out of state valid within state. (Ind. I 37.)

State never to assume or pay any claim for loss or emancipation of any slave. (N.C. I 6.)

No law providing for payment by this state for slaves emancipated from servitude in state to be passed; legislature to establish measures to obtain payment for such slaves from United States and distribute same to persons entitled. (Md. III 37.)

Compensation for abolition of slavery due from United States. (Md. D.R. 24.)

Children of parents, one or both of whom were slaves at time of cohabitation recognized by father as children, and whose mother was recognized by father as his wife, capable of inheriting any estate of which father may have died seized as though born in lawful wedlock. (Va. XIV 195.)

SLEEPING CAR COMPANIES

See also CAR COMPANIES.

For provisions relating to all transportation companies, See TRANSPORTATION COMPANIES.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

Appeal by removal, to supreme court from orders of corporation commission; such cases given preference and heard at all times. (N.M. XI 7.)

Appeal to civil courts from orders, rates, classifications, etc., of railroad commission irrespective of amount, allowed; tried summarily and given preference over all other cases. (La. 285.)

Appeal to "the courts of this state" from rates fixed by legislature or board of railroad commissioners allowed; fixed rates standing pending decision. (N.D. VII 142.)

Declared to be common carriers, and subject to liability as such. (Miss. VII 195.)

Declared to be public carriers, subject to legislative control. (N.D. VII 142.)

Legislature to prevent abuses, discrimination and extortion in charges and exercise supervision; to provide penalties to extent of forfeiture of franchise. (Miss. VII 186.)

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SLEEPING CAR COMPANIES (*Cont'd*)
Penalty for unlawful rates or violating orders of railroad commission, $100 to $5,000. (La. 286.)
Rates fixed and controlled by railroad commission; greater charge for shorter than longer distance only with permission of commission. (La. 284.)
Rates fixed and controlled by state corporation commission. (N.M. XI 7.)
Rates fixed by railroad commission remain in effect until set aside; penalty payable state for each day sustained rate was suspended by suit. (La. 286.)
Rates may be regulated and controlled by legislature. (N.D. VII 142.)
Taxation, *See* TAXATION — ASSESSMENT — CORPORATE PROPERTY.

SOCIAL CORPORATIONS
Legislature may not incorporate or amend or extend charter by local or special law, if not under control of state. (S.C. III 34.)

SOLDIERS AND SAILORS
EXEMPTION FROM TAXATION, *See* TAXATION — EXEMPTIONS.
PENSIONS
Pensions and gratuities for military service excepted from prohibition of appropriations for charitable purposes. (Pa. III 18.)
Legislature may provide pensions for veterans of war for independence, and their widows, on proof of indigent circumstances before county court. (Tex. XVI 55.)
Legislature authorized at first session after adoption constitution to provide proper and liberal legislation to guarantee annual pension to every indigent or disabled Confederate soldier or sailor of state and of Confederate states resident in the state and to their indigent widows. (S.C. XIII 5.)
Taxing power may be exercised by legislature to provide pensions and artificial limbs for veterans of Civil war (detailed provisions). (Ga. VII Sec. I 1.)
Legislature to provide pensions for indigent soldiers and sailors in Confederate army and navy in Civil war now resident in state and not able to earn support; and for indigent widows of such soldiers or sailors when incapable of earning support, to cease on subsequent marriage. (Miss. XIV 272.)
Not to exceed $8 a month to be allowed to each Confederate veteran possessing qualifications detailed in constitution; provisions made in great detail. (La. 303 (1914).)
Legislature not to grant except for military and naval service. (S.C. III 32.)
PREFERENCE IN CIVIL SERVICE, *See* CIVIL SERVICE.
QUARTERING IN HOUSE
In time of peace quartering of soldiers prohibited without consent of owner. (La. 173.)
In time of peace quartering of soldiers prohibited without consent of owner; in time of war permitted only in manner prescribed by law. (Ala. I 28; Ariz. II 27; Cal. I 12; Colo. II 22; Conn. I 19; Fla. XVI 23; Ida. I 12; Ill. II 16; Ind. I 34; Iowa I 15;

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SOLDIERS AND SAILORS (*Cont'd*)

QUARTERING IN HOUSE (*Cont'd*)

Ky. B.R. 22; Md. D.R. 31; Mo. II 27; Mont. III 22; Nebr. I 18; Nev. I 12; N.J. I 13; N.M. II 9; N.C. I 36; N.D. I 12; Ohio I 13; Okla. II 14; Ore. I 28; Pa. I 23; R.I. I 19; S.C. I 26; S.D. VI 16; Tenn. I 27; Tex. I 25; Utah I 20; Wash. I 31; W.Va. III 12; Wyo. I 25.)

No soldiers to be quartered in any house or on any premises, without consent of owner in time of peace; nor in time of war except in manner prescribed by law. (Ark. II 27.)

No soldiers to be quartered in house in time of peace except with consent of owner or occupant; nor in time of war except as prescribed by law. (Me. I 18; Mich. II 7.)

In time of peace quartering soldiers in house without consent of occupant forbidden; in time of war to be allowed only as prescribed by law. (Kan. B.R. 14.)

In time of peace quartering of soldiers prohibited, without consent of owner; in time of war permitted only by civil magistrate in manner prescribed by law. (Del. I 18; Ga. I Sec. I 19.)

In time of peace, soldiers ought not to be quartered in house without consent of owner; in time of war ought not be quartered except by civil magistrate in manner ordained by legislature. (Mass. Pt. I 27.)

Forbidden in case of soldiers without consent of owner in time of peace; in time of war ought not be done except by civil magistrate in manner ordained by legislature. (N.H. I 27.)

RESIDENCE, *See* RESIDENCE.

SOLDIERS' HOME

To be public institutions of state. (N.D. XIX 216.)

Legislature to aid in establishment and maintenance of home for Confederate veterans, wives and women who aided Confederacy; husband and wife to remain together in home. (Tex. III 51.)

To be controlled and managed by board of commissioners of state institutions, subject to limitations prescribed by law. (Nebr. IV 19.)

To be established and supported by state in manner prescribed by law. (Mont. X 1.)

Legislature to appropriate each year for soldiers' home, to be maintained by state; detailed provisions given. (La. 302.)

Legislature to provide by law for maintenance of soldiers' home for honorably discharged Union soldiers, sailors and marines and members of state militia disabled on duty and who are *bona fide* citizens of state. (Wash. X 3.)

STATE AID

Legislature may grant aid to certain, and to their widows. Detailed provisions as to qualifications. (Tex. III 51.)

Appropriations to institutions caring for widows and orphans of, may be made, but must be used for support of such widows and orphans. (Pa. III 19.)

VOTING BY, *See* ELECTIONS.

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SOLICITOR-GENERAL

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title PUBLIC OFFICERS. *In Georgia the prosecuting attorney is known as solicitor-general. For provisions relating to that officer, See the title* PROSECUTING ATTORNEYS.

Appointed by governor with advice and consent of council; nomination made by governor at least seven days before appointment. (Mass. Pt. II Ch. II Sec. I 9.)

Ineligible to legislature, but acceptance of office to operate as a resignation of seat in legislature. (Mass. Pt. II Ch. VI 2.)

Shall not continue to hold office after election to Congress and accepting it, but acceptance to be resignation from office. (Mass. Amend. 8.)

SOLICITORS, *See* PROSECUTING ATTORNEYS.

SPECIAL OR LOCAL LAWS

For making of laws generally, See LEGISLATIVE PROCEDURE.

AMENDMENT OR EXTENSION OF

No existing special or local law to be amended, extended or modified. (Minn. II 33.)

CONSIDERATION BY STANDING COMMITTEE

Before reference to committee, special, private or local law to be referred to and considered by joint standing committee and returned to house in which originated with statement in writing whether object of bill can be accomplished under general law or by court proceeding, whereupon bill with accompanying statement takes usual course; joint committee may be discharged from consideration of bill by same procedure as provided for discharge of other committees. (Va. IV 51.)

DEFINITION OF

Local law — one which applies to any political subdivision or subdivisions less than the whole; special or private law — one which applies to any individual, association or corporation. (Ala. IV 110.)

EMBRACE ONE SUBJECT ONLY

No private or local bill to embrace more than one subject, to be expressed in its title. (N.Y. III 16; Wis. IV 18.)

FORCE OF

Local and private laws for benefit of counties, cities, towns, corporations and private persons, not inconsistent with supreme law or with constitution, to have force of statute law, subject to judicial decision as to validity and to any limitations imposed by own terms. (Ga. XII Sec. I 4.)

PROHIBITION AGAINST ENACTMENT OF

General Law, Power to Enact, *See* LAWS — GENERAL LAWS.

By Amendment of General Law

Not to be amended so as to become special, private or local. (Ala. IV 111.)

Amendment of general law not to operate directly or indirectly to enact, and not to have effect of enacting, special, private or local law. (Va. IV 64.)

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SPECIAL OR LOCAL LAWS (*Cont'd*)

PROHIBITION AGAINST ENACTMENT OF (*Cont'd*)

By Partial Repeal of General Law

No special, private or local law to be enacted indirectly by partial repeal of general law. (Ala. IV 105.)

No special or local law to be indirectly enacted by partial repeal of general law, but laws repealing local or special laws may be passed. (Ky. 60; La. 49; Mo. IV 53; Pa. III 7.)

No special or local law to be introduced or enacted by partial repeal of general law, but laws repealing local or special acts may be passed. (N.D. II 70.)

Partial repeal of general law not to operate directly or indirectly to enact, and not to have effect of enacting, special, private or local law. (Va. IV 64.)

General Law Not to Contain

General law not to embrace provision of private, special or local character. (N.J. IV Sec. VII 4.)

Prohibition on passage of local or special law not to prohibit legislature from enacting special provisions in general law. (S.C. III 34.)

Where General Law Applicable

Law to be general and of uniform operation in all cases where general law applicable. (Ind. IV 23; Iowa III 30; Nev. IV 21.)

No special law to be enacted. (Ariz. IV 19; Ark. V 25; Cal. IV 25; Colo. V 25; Ga. I Sec. IV 1; Ill. IV 22; Md. III 33; Mont. V 26; Nebr. III 15; N.M. IV 24; N.D. II 70; Okla. V 59; S.C. III 34; S.D. III 23; Tex. III 56; Utah VI 26; W.Va. VI 39; Wis. III 27; Wyo. III 27.)

No special or local act granting powers or privileges, to be enacted. (Ky. 60; Pa. III 7.)

No special or local law to be enacted; whether general act can be made applicable to be judicial question. (Kan. II 17; Mich. IV 30.)

No special or local law to be enacted; whether such circumstances exist to be judicial question and determined without regard to any legislative assertion. (Minn. II 33; Mo. IV 53.)

No special or local law to be enacted for benefit of individual or corporation in cases which are or can be provided for by general law; in all cases where general law can be made applicable and be advantageous, no special law to be enacted. (Miss. IV 87.)

No suecial, private or local law, except fixing time of holding courts, to be enacted in any case provided for by general law; courts to decide whether matter is so provided for. (Ala. IV 105.)

Where Courts Can Give Relief

No special act to be passed where courts have jurisdiction and are competent to give desired relief. (W.Va. VI 39.)

No special or local act granting powers or privileges to be enacted where courts have jurisdiction to grant same or give relief asked for. (Ky. 60; Pa. III 7.)

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SPECIAL OR LOCAL LAWS (*Cont'd*)
PROHIBITION AGAINST ENACTMENT OF (*Cont'd*)
Where Courts Can Give Relief (*Cont'd*)
No special, private or local law, except fixing time of holding courts, to be enacted when relief sought can be given by any court of state; court to decide as whether relief can be so given. (Ala. IV 105.)
No special or local law for benefit of individual or corporation to be enacted, where relief sought can be given by any court of state. (Miss. IV 87.)
Legislature not to grant relief by special legislation in cases of which courts or other tribunals may have jurisdiction. (Va. IV 63.)

In Special Cases
Actions in courts, *See* COURTS.
Age, declaring persons of, *See* MINORS.
Agriculture, *See* AGRICULTURE.
Arbitration courts, *See* COURTS — ARBITRATION COURTS.
Auditors, *See* COURTS — AUDITORS.
Banks, *See* BANKS.
Boroughs, *See* BOROUGHS.
Cemeteries, *See* CEMETERIES.
Charities and charitable institutions, *See* CHARITIES
Children, *See* CHILDREN.
Church property, sale of, *See* RELIGION.
Cities, *See* CITIES.
Citizenship, restoration of rights to persons convicted of crime, *See* CRIMES —AS DISQUALIFICATION OR DISABILITY.
Claims against state, *See* STATE FINANCES.
Commissioners, *See* COURTS — COMMISSIONERS.
Constables, *See* CONSTABLES.
Coroners, *See* CORONERS.
Corporations, *See* CORPORATIONS.
Counties, *See* COUNTIES.
Courts, *See* COURTS.
Crimes, *See* CRIMES.
Debts, *See* DEBTS.
Decedents' estates, *See* DECEDENTS' ESTATES.
Deeds, *See* PROPERTY.
Descent, *See* DECEDENTS' ESTATES.
Divorce, *See* DIVORCE.
Education, *See* EDUCATION.
Elections, *See* ELECTIONS.
Eminent domain, *See* EMINENT DOMAIN.
Exemptions from execution, *See* EXEMPTIONS FROM FORCED SALE.
Exemptions from general law, *See* LAWS — GENERAL LAWS.
Evidence, *See* EVIDENCE.
FENCES, *See* FENCES.
Fish and game, *See* FISH AND GAME.
Grand jury, *See* JURIES.
Interest, *See* INTEREST.
Instruments, *See* INSTRUMENTS.
Insurance, *See* INSURANCE.
Juries, *See* JURIES.

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SPECIAL OR LOCAL LAWS (*Cont'd*)

PROHIBITION AGAINST ENACTMENT OF (*Cont'd*)

In Special Cases (*Cont'd*)

Justices' courts, *See* COURTS — JUSTICES' COURTS.

Justices of peace, *See* COURTS — JUSTICES OF PEACE.

Labor, *See* LABOR.

Liens, *See* LIENS.

Liquors, *See* LIQUORS.

Limitation of actions, *See* COURTS — LIMITATION OF ACTIONS.

Live stock, *See* AGRICULTURE.

Magistrates, *See* COURTS — MAGISTRATES.

Manufacturing, *See* MANUFACTURE.

Masters in Chancery, *See* COURTS — CHANCERY COURTS.

Minors, *See* MINORS.

Municipalities, *See* MUNICIPALITIES.

Names, *See* NAMES.

Persons under legal disability, *See* PERSONS UNDER LEGAL DISABILITY.

Police courts, *See* COURTS — POLICE COURTS.

Prisons, *See* PENAL INSTITUTIONS.

Property, *See* PROPERTY.

Public contracts, *See* PUBLIC CONTRACTS.

Public grounds, *See* PUBLIC GROUNDS.

Public lands, *See* PUBLIC LANDS.

Public officers, *See* PUBLIC OFFICERS.

Real property, *See* PROPERTY.

Refunding money paid into treasury, *See* STATE FINANCES.

Religious societies, *See* RELIGION.

Roads, *See* ROADS.

School districts, *See* EDUCATION.

Sheriffs, *See* SHERIFFS.

Social corporations, *See* SOCIAL CORPORATIONS.

State debt, *See* STATE DEBT.

Taxes, *See* TAXATION.

Towns, *See* TOWNS.

Townships, *See* TOWNSHIPS.

Venue, change of, *See* COURTS — TRIALS.

Villages, *See* VILLAGES.

Wards, *See* MUNICIPALITIES.

Waters, *See* WATERS.

Wills, *See* DECEDENTS' ESTATES.

Women, *See* WOMEN.

NOTICE REQUIRED BEFORE ENACTMENT

Rule

No private law to be passed unless 30 days' notice of application of intention to pass such law shall have been given, as provided by law. (N.C. II 12.)

No special, private or local law to be passed unless public notice of intention to apply therefor, and of general objects thereof, shall have been previously given; time, mode and evidence of notice to be prescribed by first legislature. (N.J. IV Sec. VII 9.)

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SPECIAL OR LOCAL LAWS (*Cont'd*)

NOTICE REQUIRED BEFORE ENACTMENT (*Cont'd*)

Rule (*Cont'd*)

Not to be passed unless notice of intention to apply therefor published in locality to be affected at least 30 days prior to introduction of bill and in manner prescribed by law; evidence of publication to be exhibited in legislature before passage. (Ark. V 26; Ga. III Sec. VII 16; Pa. III 8.)

Not to be passed unless notice of intention to apply therefor published in locality to be affected at least 30 days prior to introduction of bill and in manner provided by law; notice to state substance of contemplated law and evidence of publication to be exhibited in legislature. (Tex. III 57.)

Not to be passed unless notice of intention to apply therefor published in locality to be affected at least 30 days prior to introduction of bill and in manner prescribed by law; notice to state substance of law and evidence of publication to be exhibited in legislature before passage and notice to be recited in act. (Mo. IV 54.)

Not to be passed unless notice of intention to apply therefor published without cost to state in locality affected at least 30 days prior to introduction of bill and in same manner provided by law for advertising of judicial sales; notice to state substance of contemplated law and evidence of publication to be exhibited in legislature before passage and act to contain recital that notice given. (La. 50.)

Not to be considered unless notice of intended introduction first published for four consecutive weeks in weekly newspaper published or of general circulation in city or county affected, stating in substance contents of proposed bill; verified proof of publication to be filed with secretary of state. (Okla. V 32.)

Not to be passed unless, prior to introduction of bill, notice of intention, to apply therefor published, without cost to state, in county or counties to be affected, at least once a week for four consecutive weeks in newspaper published therein, or, if none, by posting for four consecutive weeks at five different places therein; notice to state substance of proposed law; affidavit of such notice to be spread upon journal of each house. (Ala. IV 106.)

Not to be passed unless notice of intention to apply therefor published in locality to be affected thereby; notice to state substance of contemplated law and to be published in manner provided by law at least 60 days prior to introduction of bill. Evidence of publication to be established in legislature before passage. (Fla. III 21.)

Failure to Give Notice

Courts to pronounce void every special, private or local law which journals do not affirmatively show was passed in accordance with requirements. (Ala. IV 106.)

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SPECIAL OR LOCAL LAWS (*Cont'd*)

PASSAGE

Affirmative vote required on bills appropriating public money for local or private purposes, *See* APPROPRIATIONS.

REFERENCE TO COMMITTEE

No local or private bill to be passed by either house until referred to standing committee thereof and reported back with recommendations that it pass, stating affirmatively reasons therefor and why purposes cannot be reached by general law or by court proceedings; if recommendation against bill, not to pass house unless by affirmative vote of majority of all members elected thereto. (Miss. IV 89.)

REPEAL OF

Laws repealing local or special laws may be passed. (Ky. 60; La. 49; Mo. IV 53; N.D. II 70; Pa. III 7.)

Any existing special or local law may be repealed. (Minn. II 33.)

Not to repeal or modify, by special, private or local law, except upon notice given and shown as in case of passage of such laws. (Ala. IV 107.)

TIME WHEN EFFECTIVE

Not until approved by majority of electors voting thereon in district to be affected. (Mich. IV 30.)

SPECIAL SESSIONS, COURT OF, *See* COURTS — CRIMINAL COURTS.

SPEECH, FREEDOM OF, *See* FREEDOM OF SPEECH AND PUBLICATION.

STANDING ARMY

Ought not to be kept. (N.C. I 24.)

Ought to be avoided as far as circumstances and safety of community will admit. (Tenn. I 24.)

Not to be kept without consent of legislature. (Ala. I 27; Del. I 17.)

Ought not to be kept up without consent of legislature. (Md. D.R. 29; N.H. I 25.)

In time of peace should be avoided as dangerous to liberty. (Va. I 13.)

Not to be kept in time of peace. (Ark. II 27; Ariz. II 27; Cal. I 12; Iowa I 14; Kan. B.R. 4; Minn. I 14; Nev. I 11; N.D. I 12; Ohio I 4; Wash. I 31.)

In time of peace should be avoided as dangerous to liberty. (W.Va. III 12.)

Not to be kept in time of peace without consent of legislature. (Ky. B.R. 22; Me. I 17; Pa. I 22; S.C. I 26.)

Ought not to be kept in time of peace without consent of legislature. (Mass. Pt. I 17.)

Appropriations for limited to one year. (Ala. I 27.)

Appropriations for limited to two years in time of war. (Iowa I 14.)

STATE AUDITOR, *See* AUDITOR.

STATE BUSINESS ENTERPRISE

State to have right to engage in industrial pursuits. (Ariz. II 34.)

"Right of the state to engage in any occupation or business for public purposes shall not be denied, nor prohibited", except state not to engage in agriculture for other than educational and scientific purposes and for support of its penal, charitable and educational institutions. (Okla. II 31.)

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STATE BUSINESS ENTERPRISE (*Cont'd*)

Legislature empowered to erect, purchase, or lease and operate one or more terminal grain elevators in the state, and provide for the inspection, weighing and grading of all grain received therein; also applies to elevators in Minnesota and Wisconsin. (N.D. XIV (Amend. 1914).)

State not to be interested in any private or corporate enterprise. (Ala. IV 93.)

State shall not become part owner in the business of any corporation or association. (La. 58.)

State not to undertake to carry on business of any public or private corporation or association. (La. 58.)

Banks

See BANKS — STATE BANK.

See BANKS — STATE INTEREST IN.

Canals, *See* CANALS — STATE CANALS.

Joint ownership, *See* PUBLIC PROPERTY — STATE OWNERSHIP PROHIBITED.

State as stockholder in corporation, *See* PUBLIC PROPERTY — STATE OWNERSHIP PROHIBITED.

STATE CAPITAL, *See* SEAT OF GOVERNMENT.

STATE COMPTROLLER, *See* COMPTROLLER.

STATE DEBT

For exemption of from taxation, See TAXATION — EXEMPTIONS.

EXISTING TIME ADOPTION CONSTITUTION, ASSUMPTION OR REPUDIATION

For provisions limiting amount of state debt generally and respecting the computation of debts existing time adoption constitution in determining whether existing debt has reached the limit fixed, See below, this title, LIMIT OF AMOUNT.

For provisions respecting power to incur new debts to pay or refund debts existing time adoption constitution, See below, this title, PURPOSE — PAYMENT EXISTING DEBTS.

"All debts contracted and engagements entered into, before the adoption of this constitution" to be valid as against state. (R.I. XIV 2.)

Debts, liabilities and obligations of territory in force at time of admission of state, assumed. (Ida. XXI 19; Mont. XX 12, Ord. No. 1 (3); Nev. XVII 7; N.D. XVI 203 (3); Okla. I 4; S.D. XIII 6, 7, 8, XXII (3), XXVI 18 (3); Utah III (3); Wash. XXVI (3); Wyo. Ord. Sec. 4.)

For payment of territorial debt assumed, state may contract debts not exceeding in aggregate 1½ per cent. value taxable property in state. (Utah XIV 1.)

Debts and liabilities of territory and debts of territorial counties valid and subsisting at time of passage of enabling act assumed and shall be paid by state; state subrogated to all rights, including rights of indemnity and reimbursement existing in favor of the territory or any of its counties, but this not to be construed as validating territorial county, municipal or other bonds, obligations or evidences of indebtedness which are or may be invalid at the time state admitted; but no debts of territory or

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STATE DEBT (*Cont'd*)

EXISTING TIME ADOPTION CONSTITUTION, ASSUMPTION OR REPUDIATION (*Cont'd*)

of its counties or municipalities illegal at time state was admitted to be validated or legalized in any manner. This irrevocable without consent of United States. (Ariz. XX Sixth.)

State assumes and pledges credit to payment of valid debts and liabilities of territory and its counties with subrogation to all rights of territory or counties in respect thereto; but this not to be construed as validating debts or liabilities invalid at time of admission of state; legislature not to pass any law validating such invalid debts or liabilities; these provisions irrepealable without consent of United States; legislature to provide for payment or refund of such assumed debts by sale of bonds or otherwise; bonds for such purpose to be issued in series as prescribed. (N.M. XXI 3, IX 1, 3.)

Obligation of debts contracted by state not affected by the constitution. (N.Y. I 17.)

Legislature not to assume debts or bonds issued by authority of specified sessions of previous legislature, excepting bonds for funding pre-existing state debt, unless approved by majority qualified voters of state at regular election held for that purpose. (N.C. I 6.)

State not to assume or pay Civil war debts. (Ga. VII Sec. XI 1; Mo. IV 52; N.C. I 6.)

No appropriation to be made for payment of debt or obligation created in name of state during Civil war. (Va. XIII 186.)

Specified railroad bonds repudiated. (Ga. Amend. Sec. 6618 p. 1533, Code, 1911.)

Legislature not to pay interest or principal of specified bonds. (Ark. XX, Amend. 1; Ga. VII Sec. XI 1.)

State not to "assume, redeem, secure or pay any indebtedness or pretended indebtedness alleged to be due the state of Mississippi to any person, association or corporation whatsoever claiming the same as owners, holders or assignees, or any bond or bonds now generally known as 'Union Bank' bonds and 'Planters Bank' bonds". (Miss. XIV 258.)

PROHIBITION

In General

For detail provisions respecting debts for purposes mentioned in the exceptions under this heading, See below, this title, PURPOSE.

No debt to be created by state; but see exceptions immediately following. (Ala. XI 213; Ark. XVI 1; Colo. XI 3; Fla. IX 6; Ga. VII Sec. III 1, Sec. XII 1; Ind. X 5; La. 46; Mich. X 11; Minn. IX 7; Mo. IV 44; Ohio VIII 3; Pa. IX 4; Tex. III 49; Va. XIII 184; W.Va. X 4; Wis. VIII 4, 9.)

Except to pay "existing debt". (Ga. VII Sec. III 1; Pa. IX 4; Tex. III 49.)

Except to refund "existing" bonded debt. (Ala. XI 213.)

Except to redeem "present outstanding" debt of state. (Ohio VIII 2.)

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STATE DEBT (*Cont'd*)
PROHIBITION (*Cont'd*)
In General (*Cont'd*)
Except to redeem previous liability of state. (Va. XIII 184; W.Va. X 4.)
Except to refund bonds already issued at lower rate of interest. (Fla. IX 6.)
Except for renewal of existing bonds when they cannot be paid at maturity out of sinking fund or otherwise. (Mo. IV 44.)
Except for transfer or redemption of stock previously issued. (Va. XIII 184.)
Except to refund specified debt existing time adoption constitutional provision. (La. 324.)
Except to pay interest on state debt. (Ind. X 5.)
Except to supply deficiencies of revenue. (Ala. XI 213; Colo. XI 3; Ga. VII Sec. III 1; Ind. X 5; Mich. X 10; Mo. IV 44; Ohio VIII 1; Pa. IX 4; Tex. III 49; Va. XIII 184; W.Va. X 4.)
Except for expenses not provided for. (Ohio VIII 1.)
Except for extraordinary expenditures. (Minn. IX 5; Wis. VIII 9.)
Except on occurrence of "unforeseen emergency". (Mo. IV 44.)
Except to erect public buildings for use of state. (Colo. XI 3.)
Except to repel invasion, suppress insurrection and defend state in war. (Colo. XI 3; Ga. VII Sec. III 1; Mich. X 10; Ohio VIII 2; Pa. IX 4; Tex. III 49; Va. XIII 184; W.Va. X 4; Wis. VIII 9.)
Except to repel invasion or suppress insurrection. (Ala. XI 213; Fla. IX 6; La. 46.)
Except in time of war to suppress insurrection or repel invasion. (Minn. IX 7.)
Except to aid United States in time of war. (Colo. XI 3; Mich. X 10.)
Except to repel invasion, suppress insurrection or if hostilities be threatened provide for public defense. (Ind. X 5.)

Unless Approved on Referendum
No debt to be created without referendum; but see exceptions immediately following. (Ill. IV 18; Iowa VII 5; Ky. 50; N.M. IX 8, 15; N.Y. VII 4; Okla. X 25; S.C. X 7; Wash. VIII 3.)
Except bonds to pay or refund valid bonds of state. (N.M. IX 8, 15.)
Except debts "to pay any part of the debt of the state". (Ky. 50.)
Except for deficiencies of revenue. (Ill. IV 18; Iowa VII 2; Ky. 49; N.M. IX 7; N.Y. VII 2; Okla. X 23; Wash. VIII 1.)
Except to meet expenses not provided for. (Iowa VII 2; N.Y. VII 2; Okla. X 23; Wash. VIII 1.)
Except for "necessary expenses" (to limited amount). (N.M. IX 7.)

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STATE DEBT (*Cont'd*)

PROHIBITION (*Cont'd*)

Unless Approved on Referendum (*Cont'd*)

Except to repel invasion, suppress insurrection or defend state in war. (Ill. IV 18; Iowa VII 4; N.M. IX 7; N.Y. VII 3; Okla. X 24; Wash. VIII 2.)

Except to repel invasion, suppress insurrection or if hostilities are threatened provide for public defense. (Ky. 49.)

Except to amount of $50,000,000 for improvement of highways. (N.Y. VII 12.)

"No scrip, certificate or other evidence of state indebtedness shall be issued except for the redemption of stock, bonds or other evidences of indebtedness previously issued or for such debts as are expressly authorized in this constitution * * * to the end that the debt credit of South Carolina may not hereafter be increased without the due consideration and free consent of the people of the state. The general assembly is hereby forbidden to create any further debt or obligation either by the loan of the credit of the state, by guarantee, indorsement, or otherwise except for the ordinary and current business of the state without first submitting the question as to the creation of such new debt, guarantee, indorsement or loan of its credit to the qualified electors of this state at a general state election." (S.C. X 7, 11.)

Legislature not to "pledge the faith of the state for the payment of the obligations of others" without the consent of the people; but this does not apply to money deposited with the state by the United States. (R.I. IV 13.)

Unless Compliance with Specified Conditions

No money to be borrowed or debt created by state except pursuant to act of legislature passed by three-fourths members elected to each house, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend state in war or pay existing debts. (Del. VIII 3.)

Until state's bonds "shall be at par" legislature not to contract new debt or pecuniary obligation except to supply casual deficit or suppress invasion or insurrection without providing in same bill for special tax to pay interest annually. (N.C. V 4.)

Legislature not to contract debt unless by law providing for collection of tax to pay interest and principal at maturity except that legislature may without levying such tax borrow $50,000 for temporary deficiencies and may contract debts to necessary amount to defend state. (Md. III 34.)

LIMIT OF AMOUNT

In General

For limitations on amount of debts for particular purposes, See below, this title, PURPOSE.

Fifty thousand dollars in aggregate, except in case of war, to repel invasion or suppress insurrection, and except not exceed-

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STATE DEBT (*Cont'd*)
LIMIT OF AMOUNT (*Cont'd*)
In General (*Cont'd*)
ing 2 per cent. of assessed value of property in state for building and maintaining permanent roads. (Ore. XI 7.)
One hundred thousand dollars, except for repelling invasion, suppressing insurrection or defending state in war. (Nebr. XII 1.)
One hundred thousand dollars in aggregate for defraying extraordinary expenses, making public improvements, or meeting deficiencies in revenue, except to repel invasion, suppress insurrection or defend state or United States in war; and this limited amount to be in addition to territorial debts assumed. (S.D. XIII 2, 3.)
Two hundred thousand dollars in aggregate for deficiencies in revenue or extraordinary emergencies, except to repel invasion, suppress insurrection, defend state in war or provide for public defense in case of threatened hostilities; and bonds issued to refund "existing" debt not to be construed as part of the amount thus limited. (N.D. XII 182.)
Three hundred thousand dollars in aggregate, except for building and maintaining state highways, or for suppressing insurrection, repelling invasion or for purposes of war; and this does not apply to any money deposited with state by United States or any money held by state in trust for Indian tribes. (Me. IX 14.)
Three hundred thousand dollars in aggregate, except to repel invasion, suppress insurrection, defend state in war or if hostilities be threatened provide for public defense; to amount so limited allowed "for the purpose of authorizing the state to transact its business upon a cash basis from its organization"; and assumption of territorial debts not to "prevent" contracting such amount for such purpose. (Nev. IX 3, XVII 7.)
One per cent. of assessed value of taxable property in state as shown by last preceding general assessment for taxation, except in case of war to repel invasion or suppress insurrection. (Wyo. XVI 1.)
One and one-half per cent. in aggregate of the value of taxable property of the state as shown by last assessment for state purposes previous to incurring debt, except to repel invasion, suppress insurrection or defend state in war; to this amount debt may be incurred for casual deficits or failures in revenue and for necessary expenditures for public purposes, including erection of public buildings and for payment of assumed territorial debt. (Utah XIV 1.)
Unless Approved on Referendum
Three hundred thousand dollars in aggregate, except in case of war to repel invasion or suppress insurrection. (Cal. XVI 1.)
One hundred thousand dollars in aggregate, except in cases of war to repel invasion or suppress insurrection. (Mont. XIII 2.)

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STATE DEBT (*Cont'd*)

LIMIT OF AMOUNT (*Cont'd*)

Unless Approved on Referendum (*Cont'd*)

One hundred thousand dollars in aggregate, except for purposes of war or to repel invasion or to suppress insurrection; but "this section shall not be construed to refer to any money that has been, or may be, deposited with this state by the government of the United States". (N.J. IV 6, 4.)

Fifty thousand dollars "without the express consent of the people" except "in time of war or in case of insurrection or invasion"; but this does not refer to money deposited with the state by United States. (R.I. IV 13.)

Taxes for current year, except for suppression of insurrection or provision for public defense. (Wyo. XVI 2.)

Two million dollars in aggregate, except in case of war to repel invasion or suppress insurrection; this limitation to be exclusive of debt of territory at time of state's admission, and exclusive of debts incurred after January 1, 1911, for completion and furnishing state capitol, and exclusive of debt or liability incurred by specified session of state legislature. (Ida. VIII 1.)

One million dollars for extraordinary expenses or public improvements, except to repel invasion, suppress insurrection or defend state in time of war. (Kan. XI 6, 5, 7.)

Debts Approved on Referendum

No such debt to be created if total state debt exclusive of debts of territory and its counties assumed by state would thereby exceed 1 per cent. of assessed valuation of taxable property in state as shown by last preceding general assessment; this does not prevent issue of bonds to refund or pay valid bonds of state. (N.M. IX 8, 15.)

LAW AUTHORIZING

As to application of referendum provisions to bills authorizing creation or funding of debt, See INITIATIVE AND REFERENDUM.

For provisions prohibiting incurring of debts or prohibiting incurring of debts beyond a limited amount unless authorized by law approved on referendum, See above, this title, "PROHIBITION — UNLESS APPROVED ON REFERENDUM"; *and* "LIMIT AMOUNT — UNLESS APPROVED ON REFERENDUM".

Procedure on Passage in Legislature

Laws to raise money on credit of state or to pledge faith of state for payment of any debt must be read "three several times" and pass "three several readings" on three different days and agreed to by each house and yeas and nays on second and third reading entered on journals. (N.C. II 14.)

Vote to be taken by yeas and nays entered on journal. (Ala. II 13; Kan. XI 5; Minn. IX 5; N.Y. III 25, VII 4; Okla. X 25; Va. IV 50; Wis. VIII 8.)

Three-fifths of members elected to each house required for quorum. (N.Y. III 25; Wis. VIII 8.)

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STATE DEBT (*Cont'd*)

LAW AUTHORIZING (*Cont'd*)

Procedure on Passage in Legislature (*Cont'd*)

On final passage in each house, question to be: "Shall this bill pass and ought the same to receive the sanction of the people?" (N.Y. VII 4; Okla. X 25.)

Vote Required for Passage by Legislature

Majority of members elected to each house. (Kan. XI 5; Ky. 46; Va. IV 50; Wis. VIII 6.)

Two-thirds members of each house. (Ala. XI 213; Minn. IX 5.)

Three-fourths of members elected to each house, except debts to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend state in war or pay existing debts. (Del. VIII 3.)

Specification of Purpose

To specify distinctly some single work or object for which debt to be created. (Cal. XVI 1; Colo. XI 4; Del. VIII 3; Ga. VII Sec. IV 1; Ida. VIII 1; Iowa VII 5; Kan. XI 5; Ky. 178; Minn. IX 5; Mont. XIII 2; Nev. IX 3; N.J. IV 6, 4; N.Y. VII 4; N.D. XII 182; Okla. X 16, 25; Wash. VIII 3; Wis. VIII 6.)

Law authorizing borrowing of money to specify purpose for which to be used. (Pa. IX 5.)

No law to authorize any debt except for purposes listed. (Ind. X 5.)

Provision for Payment of Interest and Principal

See also below, this title, "REDEMPTION", *and* "INTEREST".

In General

To provide ways and means exclusive of loans for payment of interest as it falls due and principal at maturity. (Cal. XVI 1; Ida. VIII 1; N.J. IV 6, 4; Wash. VIII 3.)

To provide for payment of interest annually and principal when due, from tax levied for that purpose or from other sources of revenue. (S.D. XIII 2.)

Such provision irrepealable until debt paid. (S.D. XIII 2.)

Provision to be made at time of submitting law proposing debt for payment of interest thereon annually from tax levied for purpose or from other sources of revenue. (This provision not required to be in law authorizing.) (Ill. IV 18.)

By Levy of Tax

To provide for levying annual tax sufficient to pay interest as it falls due and principal at maturity. (Colo. XI 4; Iowa VII 5; Kan. XI 5; Ky. 50; Md. III 34; Minn. IX 5; Mo. IV 44; Mont. XIII 2; Nev. IX 3; N.M. IV 29, IX 8; Wis. VIII 6.)

"Shall impose and provide for the collection of a direct annual tax to pay and sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the

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STATE DEBT (*Cont'd*)

LAW AUTHORIZING (*Cont'd*)

Provision for Payment of Interest and Principal (*Cont'd*)

By Levy of Tax (*Cont'd*)

principal of such debt" at maturity. This applies also to bonds issued in lieu of bond authorizations, but not issued prior to adoption of constitution. (N.Y. VII 4.)

To provide for levying direct annual tax sufficient to pay interest as it falls due and principal at maturity. (Okla. X 25.)

To provide for payment of interest annually and principal when due, from tax levied for that purpose or from other sources of revenue. (S.D. XIII 2.)

To provide for annual tax sufficient to pay interest semi-annually and principal at maturity. (N.D. XII 182.)

No bonded debt to be created or renewed unless law authorizing provides for levying and collecting annually tax sufficient to pay interest annually and provide sinking fund for their redemption at maturity. (Ohio XII 11.)

Until state's bonds "shall be at par" legislature not to contract new debt or pecuniary obligation, except to supply casual deficit or to suppress invasion or insurrection, unless in the same bill provision is made for levy of "a special tax to pay the interest annually". (N.C. V 4.)

Proceeds of such tax to be specifically appropriated to payment of interest and principal of such debt. (Kan. XI 5; Minn. IX 5; Nev. IX 3; N.D. XII 182; Wis. VIII 6.)

Provision to be made at time of submitting law proposing debt for payment of interest thereon annually from tax levied for purpose or from other sources of revenue. (This provision not required to be in law authorizing.) (Ill. IV 18.)

To be irrepealable and annually collected until proceeds shall have made provision for payment of interest and principal; in case of repeal or prohibition of further debts under such law it is to remain in force "in proportion to the debt and liability which may have been contracted in pursuance of such law" and shall be irrepealable and annually collected until proceeds have made provision to pay and discharge interest and principal. (N.Y. VII 4.)

Tax imposed by law authorizing debt "in proportion to the debt or liability which may have been contracted in pursuance thereof" to remain in force, be irrepealable and annually collected until principal and interest fully paid. (Iowa VII 6.)

Appropriation of tax for interest and principal not to be repealed or taxes postponed or diminished until principal and interest wholly paid. (Minn. IX 5; Nebr. XI 6; Nev. IX 3; N.D. XII 182; Wis. VIII 6.)

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STATE DEBT (*Cont'd*)
LAW AUTHORIZING (*Cont'd*)
Provision for Payment of Interest and Principal (*Cont'd*)
By Levy of Tax (*Cont'd*)
Law providing for tax for payment of interest not to be repealable until debt paid. (Ill. IV 18.)
Proceeds of such tax not to be applied to any purpose other than that provided in law levying same; tax to cease when debt fully paid and balance, if any, to be placed to credit of general fund of state. (Colo. XI 4.)
Not to be applied to other purpose until debt and interest fully paid or holdings of the sinking fund equal to outstanding debt; not to be repealed until debt and interest fully paid. (Md. III 34.)
Sinking Fund
For other provisions respecting sinking funds, See below, this title, "REDEMPTION — BY SINKING FUND", *and* "INTEREST — PAYMENT".
Law may provide for sinking fund therefor to commence at a time after incurring the debt not more than a period of one-quarter the time of maturity of such debt. (Cal. XVI 1.)
Law to provide for sinking fund for redemption at maturity. (N.M. IX 8; Ohio XII 11.)
Every law passed by legislature creating debt or authorizing loan to provide for creation and maintenance sinking fund for payment or redemption. (Va. XIII 187.)
Referendum
As to when referendum required on laws authorizing debt, See above, this title, "PROHIBITION — UNLESS APPROVED ON REFERENDUM", *and* "LIMIT OF AMOUNT — UNLESS APPROVED ON REFERENDUM".
Publication
Legislature to provide for publication of law "for three months at least before" election at which submitted. (Ill. IV 18.)
"Due" publication of "provisions" of law required for three months preceding election at which submitted. (Mo. IV 44.)
Law to be published in full in one newspaper in each county if one published therein once each week for four successive weeks preceding election at which submitted. (N.M. IX 8.)
Law to be published in one newspaper in each county (or city and county) if one published therein for three months next preceding election at which submitted. (Cal. XVI 1; Ida. VIII 1; Iowa VII 5; Wash VIII 3.)

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STATE DEBT (*Cont'd*)

LAW AUTHORIZING (*Cont'd*)

Referendum (*Cont'd*)

Submission to People

Not to take effect until submitted and approved at general election. (Cal. XVI 1; Ida. VIII 1; Ill. IV 18; Iowa VII 5; Kan. XI 6; Ky. 50; Mont. XIII 2; N.J. IV 6, 4; N.M. IX 8, 15; Okla. X 25; S.C. X 11; Wash. VIII 3.)

At a general election but not within three months after the passage and not at election when any other law or bill is submitted. (N.Y. VII 4.)

Required to be submitted at election held for the purpose. (Mo. IV 44.)

Law providing for tax for payment of interest on debt to be submitted to people with law authorizing debt. (Ill. IV 18.)

Qualification of Electors

"Questions upon bond issues * * * shall be submitted to the vote of property taxpayers who shall also in all respects be qualified electors of the state." (Ariz. VII 13.)

Women to vote on question of issue of bonds submitted to voters if they have other qualifications and are assessed for taxes in district affected. (Mich. III 4.)

To be submitted to qualified electors of state. (S.C. X 11.)

Elections creating debts excepted from provision that no property qualification shall be required of electors. (Utah IV 7.)

Vote Required for Approval

Majority of all votes cast for and against. (Cal. XVI 1; Ida. VIII 1; Iowa VII 5; Ky. 50; Mont. XIII 2; N.J. IV 6, 4; N.Y. VII 4; Okla. X 25; Wash. VIII 3.)

Majority of votes cast at election at which submitted. (Kan. XI 6; N.M. IX 8, 15.)

Majority votes cast at same election for members of legislature. (Ill. IV 18.)

Two-thirds majority. (Mo. IV 44.)

Two-thirds of those voting on question. (S.C. X 11.)

Enactment After Approval

If proposed law approved by people on submission next legislature to enact such law and create debt thereby authorized subject to restrictions of constitution respecting. (Kan. XI 8.)

Repeal

As to repeal of provisions in such laws for payment of interest and principal, See above, this subdivision, PROVISION FOR PAYMENT OF INTEREST AND PRINCIPAL.

Legislature may at any time after people's approval repeal law if no debt has been contracted in pursuance thereof. (Cal. XVI 1; Ida. VIII 1.)

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STATE DEBT (*Cont'd*)
LAW AUTHORIZING (*Cont'd*)
Repeal (*Cont'd*)
Legislature may, at any time after people's approval, repeal law if no debt has been contracted in pursuance thereof, and may at any time forbid contracting of further debt thereunder, but in such case, the tax levied by such law to provide for interest and principal shall remain in force "in proportion to the debt and liability which may have been contracted in pursuance of such law". (N.Y. VII 4.)
At any time after approval by people legislature may repeal if no debt incurred in pursuance thereof and at any time legislature may forbid incurring further debt in pursuance of. (Iowa VII 6.)
Not to be repealed until debt and interest fully paid. (Cal. XVI 1; Colo. XI 4; Ida. VIII 1; Mo. IV 44; Mont. XIII 2; N.J. IV 6, 4.)
PURPOSE
Acquisition Foreign Territory
Legislature with approval of governor authorized if necessary to provide for issuance of state bonds to pay for purchase of foreign territory acquired by state. (Ala. IV 90.)
Aid to Local Community
Loans of Credit
For loans of credit generally, See below, this subdivision, AID TO PRIVATE OR CORPORATE ENTERPRISE.
State's credit not to be given, pledged or loaned to municipality. (Ky. 177; Okla. X 15.)
State's credit not to be given or loaned to or in aid of municipality. (Ida. VIII 2; Tenn. II 31.)
State's credit not to be given, pledged or loaned to political subdivision of state. (Ky. 177; Okla. X 15.)
State bonds not to be issued or loaned to nor state's credit by guarantee or indorsement of bonds or other undertakings of municipality be pledged otherwise than pursuant to act of legislature passed by three-fourths of all members elected to each house. (Del. VIII 4.)
State's credit not to be given or loaned to or in aid of or pledged for payment of liabilities of municipal corporation. (Mo. IV 45; Tex. III 50.)
State's credit not to be given or loaned to or in aid of or pledged for payment of liabilities of municipal corporation; but this does not prevent legislature granting aid to institutions for support of children and aged persons. (Cal. IV 31.)
State's credit not to be granted to or in aid of public corporation. (Ill. IV 20; Mich. X 12.)
State's credit not to be loaned or pledged to or for any public corporation. (La. 58.)

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STATE DEBT (*Cont'd*)

PURPOSE (*Cont'd*)

Aid to Local Community (*Cont'd*)

Loans of Credit (*Cont'd*)

State not to lend or pledge its credit, directly or indirectly, in any manner to or in aid of public corporation for any amount or for any purpose whatever. (Colo. XI 1.)

Except as otherwise provided in constitution, state not to lend or pledge credit, directly or indirectly, to or in aid of any public corporation; but this not to prohibit state making provision for care of sick and indigent persons; and not to prevent issue of bonds to pay or refund valid bonds of state. (N.M. IX 14, 15.)

State bonds not to be issued or loaned to nor state's credit by guarantee or indorsement of bonds or other undertakings of county be pledged otherwise than pursuant to act of legislature passed by three-fourths of all members elected to each house. (Del. VIII 4.)

State's credit not to be granted to or in aid of county. (W.Va. X 6.)

State's credit not to be loaned to county. (Va. XIII 185.)

State's credit not to be granted to or in aid of township. (W.Va. X 6.)

State's credit not to be loaned to city or town. (Va. XIII 185.)

State's credit not to be granted to or in aid of city. (W.Va. X 6.)

Assumption of Local Debt

State not to assume debt of county, city or town. (Va. XIII 185.)

State not to assume debts or liabilities of county, city or township. (W.Va. X 6.)

Not to assume debt of any county, city, town or school district. (Utah XIV 6.)

State not to assume any part of debt of county, city, town or municipal corporation. (Mont. XIII 4.)

Legislature not to assume debts of county, city, town or township. (Ind. X 6.)

State not to assume or pay debts or liabilities of any public corporation. (Ill. IV 20.)

State not to become responsible for any debt, contract or liability of any corporation, public or private, in or out of state. (Colo. XI 1.)

State not to assume liabilities of political, municipal, parochial or other corporation or association. (La. 58.)

State not to assume debts of any county, town or other municipal corporation unless such debt created to repel invasion, suppress insurrection or defend state in war. (Ida. XII 3.)

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STATE DEBT (*Cont'd*)

PURPOSE (*Cont'd*)

Aid to Local Community (*Cont'd*)

Assumption of Local Debt (*Cont'd*)

State not to assume debts of county, town or other corporation unless created to repel invasion, suppress insurrection or defend state in war. (Ore. XI 8.)

Except as required by enabling act state not to assume debt of any county, municipal corporation or political subdivision of state unless such debt contracted to defend itself in time of war, to repel invasion or to suppress insurrection. (Okla. X 14.)

State never to assume or pay debt or liability of county, town, city or other corporation whatever or any part thereof unless incurred to repel invasion, suppress insurrection or provide for the public welfare and defense. (Ark. XII 12.)

State forbidden to assume any part of county, city, borough or township debt unless contracted to enable state to repel invasion, suppress domestic insurrection, defend itself in war or to assist state in discharging existing ("present") debt. (Pa. IX 9.)

State not to assume any part of debt of county, municipal corporation or political division of state unless contracted to enable state to repel invasion, suppress insurrection or defend itself in war. (Ga. VII Sec. VIII 1; Ky. 176.)

Assumption of debts of county, city, town or township or any corporation unless incurred to repel invasion, suppress insurrection or defend the state in war, forbidden. (Nev. IX 4; Ohio VIII 5.)

State authorized to issue bonds payable within 21 years at rate not exceeding 6 per cent.; payable semi-annually, solely to reimburse cities, towns and plantations of the state for expenditures for war purposes during rebellion on basis specified; total bonds not to exceed $3,500,000 and this provision not to be construed to permit credit of state to be loaned directly or indirectly for any other purpose or in any other case. (Me. IX 15.)

State not to pay from any of its funds taxes or revenues specified local bonds. (Ill. Sched. 24.)

Aid to Private or Corporate Enterprise

For grants of state money to, See STATE FINANCES — EXPENDITURES.

Loans of Credit

For loans of credit to specific enterprises, See below, this subdivision, "AID TO RAILROADS AND CANALS"; "AID TO TELEGRAPH LINES", *and* "AID TO BANKING".

For loans of credit to local communities, See above, this subdivision, AID TO LOCAL COMMUNITY.

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STATE DEBT (*Cont'd*)
PURPOSE (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)
Loans of Credit (*Cont'd*)
Prohibited for any purpose whatever. (Ark. XVI 1.)
Prohibited directly or indirectly in any case. (Me. IX 14; N.J. IV 6, 3.)
Grants or loans of credit in aid of individual, association or corporation prohibited. (Ala. IV 93; Ariz. IX 7; Ill. IV 20; Ind. XI 12; Mich. X 12; Minn. IX 10; Mont. XIII 1; Nebr. XII 3; Wis. VIII 3.)
Legislature not to authorize state to loan credit in aid of any private individual or corporate enterprise or undertaking. (Utah VI 31.)
Grants or loans in any manner to or in aid of any individual, association or corporation prohibited. (Ida. VIII 2; Iowa VII 1; Md. III 34; Ohio VIII 4; Tenn. II 31; Wash. VIII 5.)
Credit not to be granted to or in aid of any person or corporation. (W.Va. X 6.)
Credit of state not to be directly or indirectly granted "under any device or pretense whatsoever" to or in aid of person, association or corporation. (Va. XIII 185.)
State not to lend or pledge credit, directly or indirectly, in any manner to or in aid of any person, company or corporation for any amount or for any purpose whatever. (Colo. XI 1.)
State credit not to be pledged or loaned to any individual, company, corporation or association. (Fla. IX 10; Ga. VII Sec. V 1; Ky. 177; Okla. X 15; Pa. IX 6.)
Credit of state not to be pledged or loaned to or for any person, association or corporation. (Miss. XIV 258.)
Credit of state not to be loaned or pledged to or for any person, association or corporation. (La. 58.)
Credit not to be pledged or loaned for benefit of any individual, company, association or corporation. (S.C. X 6.)
Legislature not to give or loan or authorize giving or lending of state credit in aid of or to any person, association or corporation, or to pledge credit of the state in any manner whatsoever for payment of liabilities, present or prospective, of any individual, association of individuals or corporation. (Mo. IV 45; Tex. III 50.)
State not to lend credit to any company, association or corporation. (Cal. XII 13; Wash. XII 9.)
Credit of state not to be given or loaned in any manner to or in aid of any individual, association or corporation or private undertaking; but legislature may make such provision as it deems proper for education and support of blind, deaf and dumb and juvenile delinquents; provision not to apply to any fund held for educational purposes. (N.Y. VII 1, VIII 9.)

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STATE DEBT (*Cont'd*)
PURPOSE (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)
Loans of Credit (*Cont'd*)

State credit not to be given or loaned to or in aid of any individual association or corporation, except for necessary support of poor. (N.D. XII 185; S.D. XIII 1; Wyo. XVI 6.)

Legislature not to lend or authorize lending state credit in aid of any person, association or corporation, or to pledge state's credit in any manner for payment of liabilities of individual, association or corporation, but this not to prevent legislature granting aid to institutions for support of children and aged persons. (Cal. IV 31.)

Not to loan money or credit to any company, association or corporation except corporations formed for educational or charitable purposes. (Nev. VIII 9.)

Except as otherwise provided in constitution, state not to lend or pledge its credit directly or indirectly in aid of any person, association or corporation; this not to be construed to prohibit care of sick and indigent persons; and not to prevent issue of bonds to pay or refund valid bonds of state. (N.M. IX 14, 15.)

State bonds not to be issued or loaned to any corporation, nor state's credit by guarantee or indorsement of bonds or other undertakings of corporation to be pledged otherwise than pursuant to act of legislature passed by three-fourths of all members elected to each house. (Del. VIII 4.)

Legislature no power to give or lend credit of state in aid of any person, association or corporation except to aid completion of railroads unfinished at time constitution adopted or in which state has direct pecuniary interest unless referred to direct vote of people and approved by majority those voting thereon. (N.C. V 4.)

Assumption of Debts

Legislature not to assume debts of any corporation. (Ind. X 6.)

State not to assume debts or liabilities of any corporation, association or individual. (Ill. IV 20.)

State not to assume debts or liabilities of any person or corporation. (W.Va. X 6.)

State not to assume liabilities of private or other corporation or association. (La. 58.)

State not to become responsible for any debt, contract or liability, of any person, company or corporation in or out of state. (Colo. XI 1.)

State not to assume debt or liability of any corporation unless incurred in time of war for benefit of state. (Iowa VIII 3.)

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STATE DEBT (*Cont'd*)

PURPOSE (*Cont'd*)

Aid to Private or Corporate Enterprise (*Cont'd*)

Assumption of Debts (*Cont'd*)

State not to assume debts of any corporation unless created to repel invasion, suppress insurrection or defend state in war. (Nev. IX 4; Ore. II 8.)

State not to assume or become responsible for debts or liabilities of individual, association or corporation unless incurred in time of war for benefit of state. (Iowa VII 1.)

State not to pay or become responsible for debt or liability of individual, association or corporation, except for necessary support of poor; but state may pay or assume such debts or liabilities when incurred in time of war or defense of state. (S.D. XIII 1.)

State not to pay from any of its funds, taxes or revenues bonds of public exposition corporation. (Ill. IX 13; Mo. X 12.)

Aid to Railroads and Canals

See also above, this subdivision, AID TO PRIVATE OR CORPORATE ENTERPRISE.

Legislature not to loan credit of state to. (Ill. Amend. 1870–1908, Ill. and Mich. canal separately submitted.)

Legislature not to pass law authorizing state to contract debt for or loan credit in aid of construction of railroad. (Mont. V 38; Wyo. III 39.)

State not to lend or pledge credit, directly or indirectly, in aid of any private enterprise for construction of railroad; but this not to prevent issue of bonds to refund valid bonds of state. (N.M. IX 14, 15.)

Legislature may authorize, subject to provisions for referendum for people's approval, debts for improvement of canals. (N.Y. VII 10.)

Loans of credit in aid of private enterprise forbidden without referendum, except for railroads not completed at adoption constitution or those in which state has direct pecuniary interest. (N.C. V 4.)

Legislature not to authorize state to lend its credit to any railroad enterprise or undertaking. (Utah VI 31.)

State not to give or loan credit to or in aid of railroad lines. (Wyo. X, Railroads 5.)

Bonds of state not to be issued to railroad company in default for interest on state bonds previously loaned to it, or "that shall hereafter or before such application sell or absolutely dispose of any state bonds loaned to it for less than par." (Tenn. II 33.)

Legislature may issue not exceeding $20,000,000 of state bonds at not exceeding 4 per cent. interest, payable semi-annually, for construction of Chicago-Lockport waterway and erection,

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STATE DEBT (*Cont'd*)
PURPOSE (*Cont'd*)
Aid to Railroads and Canals (*Cont'd*)
equipment and maintenance of power plants, locks, bridges, dams and appliances. (Ill. Amend. 1870–1908, Ill. and Mich. canal separately submitted.)
Legislature not to recognize liability for or pay Wabash and Erie canal debt issued under specified laws and payable from the proceeds of canal lands and tolls and revenues of canal. (Ind. X 7.)
Board of commissioners of port of New Orleans may issue bonds for cost of certain canal secured by mortgage on canal to be paid out of net receipts. (La. Amend. 1914.)
Further issues of "Minnesota state railroad bonds" under amendment to the constitution of 1858 prohibited. (Minn. IX 10.)
Aid to Telegraph Lines
State not to give or loan credit to or in aid of. (Wyo. X, Railroads 5.)
Legislature not to authorize state to lend its credit in aid of any telegraph enterprise or undertaking. (Utah VI 31.)
Aid to Banking
Credit of state or political subdivision thereof not to be given or loaned to any banking company, association or corporation. (Ala. XIII 253.)
Deficiencies in Revenue
In General
State authorized to contract debts to supply deficits in revenue. (Ariz. IX 5; Ill. IV 18; Iowa VII 2; Ky. 49; Md. III 34; Mich. X 10; Nebr. XII 1; N.M. IX 7; N.Y. VII 2; N.D. XII 182; Ohio VIII 1; Okla. X 23; S.D. XIII 2; Utah XIV 1; Wash. VIII 1.)
May be incurred on the recommendation of governor first had; but if amount for this purpose and for unforeseen emergencies exceeds $250,000 in any year then may be incurred only on act of legislature approved by people on referendum. (Mo. IV 44.)
Debts to supply "temporary deficit" in treasury in any year from "necessary delay in collecting the taxes of that year" excepted from prohibition of debt. (Ga. VII Sec. III 1.)
Temporary loans for total deficiencies in treasury may be negotiated by governor. (Ala. XI 213.)
Debts may be contracted "for purpose of enabling the state to transact its business on a cash basis from its organization". (Nev. IX 3.)
Debt to supply excepted from prohibition of contracting state debt. (Ind. X 5; Pa. IX 4; Tex. III 49; W.Va. X 4.)

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STATE DEBT (*Cont'd*)

PURPOSE (*Cont'd*)

Deficiencies in Revenue (*Cont'd*)

In General (*Cont'd*)

Debts to supply excepted from general prohibition of debt. (Colo. XI 3; Va. XIII 184.)

Excepted from prohibition without approval of three-quarter members elected to each house. (Del. VIII 3.)

Excepted to amount $50,000 from prohibition without levy of tax to pay interest and principal. (Md. III 34.)

Excepted from prohibition of debt while state's bonds are under par, without levy of special tax for payment of interest. (N.C. V 4.)

Limit of Amount

As to limitations on amount of state debt generally, See above, this title, LIMIT OF AMOUNT.

One hundred thousand dollars in aggregate. (Nebr. XII 1.)

Two hundred thousand dollars in aggregate. (Tex. III 49.)

Two hundred and fifty thousand dollars in aggregate. (Ill. IV 18; Mich. X 10.)

Five hundred thousand dollars. (Ga. VII Sec. III 1; Ky. 49.)

One million dollars in aggregate. (Pa. IX 4.)

Not in any year to exceed one-quarter of a mill on each dollar of taxable property and aggregate amount of debt not at any time to exceed three-quarters of a mill until valuation equal to $100,000,000 and thereafter such debt not to exceed $100,000. Valuation to be "that of the assessment last preceding creation of said debt". (Colo. XI 3.)

Together with debt for public improvements and to defray extraordinary expenses, not to exceed in aggregate $100,000. (S.D. XIII 2, 3.)

Together with debt for necessary expenses not to exceed in aggregate $200,000. (N.M. IX 7.)

Together with debt for extraordinary emergencies not to exceed in aggregate $200,000; exclusive of state debt at time of adoption constitution. (N.D. XII 182.)

Together with debt for expenses not provided for not to exceed in aggregate $250,000; but state's obligation to make good losses of permanent school or university funds by default not to be counted as part of debt thus limited. (Iowa VII 2, 3.)

Debts "for purpose of enabling the state to transact its business upon a cash basis from its organization" not to exceed in aggregate, exclusive of interest, $300,000; but assumption of territorial debt "shall not prevent state from contracting additional indebtedness" for this purpose. (Nev. IX 3, XVII 7.)

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STATE DEBT (*Cont'd*)
PURPOSE (*Cont'd*)
Deficiencies in Revenue (*Cont'd*)
Limit of Amount (*Cont'd*)
Together with debt for expenses not otherwise provided for not to exceed in aggregate $350,000. (Ariz. IX 5.)
Together with debts for expenses not provided for not to exceed in aggregate $400,000. (Okla. X 23.)
Together with debts for expenses not provided for not to exceed in aggregate $400,000, but state's obligation to make good losses of permanent school or other state educational fund by defaults not to be counted as part of debt thus limited. (Wash. VIII 1, IX 5.)
Together with debt for expenses not provided for not to exceed in aggregate $750,000. (Ohio VIII 1.)
Together with debt for expenses not provided for not to exceed in aggregate $1,000,000. (N.Y. VII 2.)
Together with debts for necessary public purposes, including creation of public buildings and for payment of territorial debts assumed, not to exceed 1½ per cent. of value of taxable property of state. (Utah XIV 1.)
Together with debts for unforeseen emergency not to exceed $250,000 for any one year, without referendum. (Mo. IV 44.)
Fifty thousand dollars without compliance with restrictions as to levying tax for interest and redemption applicable to other debts. (Md. III 34.)
Three hundred thousand dollars for total deficiencies in treasury. (Ala. XI 213.)
Redemption
As to redemption of state debt generally, See below, this title, REDEMPTION.
To be repaid out of taxes levied for year in which loan made. (Ga. VII Sec. III 1.)
To be paid in not more than two years from creation if incurred within limit allowed without referendum, or within 13 years if incurred beyond that limit on referendum. (Mo. IV 44.)
Until temporary loans negotiated to meet total deficiencies in treasury are paid no new loan to be negotiated. (Ala. XI 213.)
Expenses Not Provided for
As to limitations of amount of debt for this purpose and for casual deficiencies of revenue, See above, this title, PURPOSE — DEFICIENCIES OF REVENUE — LIMIT OF AMOUNT.
State may contract debts for. (Ariz. IX 5; Iowa VII 2; N.Y. VII 2; Ohio VIII 1; Okla. X 23; Wash. VIII 1.)
Extraordinary Expenditures
For limitations on amount of state debt generally, See above, this title, LIMIT OF AMOUNT.

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STATE DEBT (*Cont'd*)

PURPOSE (*Cont'd*)

Extraordinary Expenditures (*Cont'd*)

State may contract not to exceed together with debts for public improvements $1,000,000, without referendum. (Kan. XI 5.)

State may contract not to exceed in aggregate $250,000. (Minn. IX 5.)

State may contract not to exceed together with debt for deficiencies of revenue in aggregate $200,000, exclusive of state debt at time adoption constitution. (N.D. XII 182.)

State may contract not to exceed together with debt for public improvements and deficiencies of revenue, in aggregate $100,000. (S.D. XIII 2, 3.)

State may contract not to exceed in aggregate $100,000; law authorizing to provide for levying tax to pay interest and principal within five years from passage of such law. (Wis. VIII 6.)

Internal Improvement

See also STATE FINANCES — EXPENDITURES.

Not to be contracted except as provided in the constitution. (Ohio XII 6.)

"State shall never contract any debt for works of internal improvements"; but state may accept grants of land or property for such improvements and devote the "avails of such grants" and appropriate revenue therefrom to completion thereof. (Minn. IX 5; Wis. VIII 10.)

State not to lend money or its credit in aid of. (Ala. IV 93.)

Legislature not to grant aid to, which shall involve credit of state. (Md. III 34.)

Necessary Expenses

State may contract debts for. (N.M. IX 7.)

Debts for necessary expenditures for public purposes excepted from limit on total amount of debt. (Utah XIV 1.)

Debts for state's ordinary and current business excepted from limit of amount which may be incurred without referendum. (S.C. X 11.)

Payment of Existing Debt

Under this heading are grouped provisions authorizing the incurring of debt to fund "existing" debt without undertaking to indicate whether this term means debt existing at the time of the adoption of the constitution or debt existing at the time of the proposed refunding.

For provisions respecting debts existing at time of adoption of constitution, See above, this title, EXISTING TIME ADOPTION CONSTITUTION, ASSUMPTION OR REPUDIATION.

Specific authorization to contract debt not exceeding $2,115,000 to fund outstanding state warrants and interest thereon payable at state's option any time after 10 and within 50 years from their date; to be in denomination of $100 or any multiple thereof. Interest, 3 per cent., payable semi-annually at state

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STATE DEBT (*Cont'd*)
PURPOSE (*Cont'd*)
Payment of Existing Debt (*Cont'd*)
treasurer's office or some place in New York and principal payable state treasurer's office. Not to be issued except at par and accrued interest on surrender and cancellation of like amount principal and interest of warrants to be refunded. Special provision for refunding such warrants held by state school fund and interest thereon. (Colo. XI 3.)
Legislature may issue state bonds for refunding at a lower rate of interest bonds already issued. (Fla. IX 6.)
Legislature may contract debts "by borrowing money to pay any part of the debt of the state" without submission to the people and without making provision in act authorizing for taxes to pay interest and principal. (Ky. 50.)
Detailed provisions authorizing board of liquidation of the state debt "to issue and sell or exchange, or both, for such price, in such manner, at such time or times, of such denominations, in such amounts and with such yearly maturities on any date in each year beginning the first calendar year after the issuance and not exceeding 51 years from date of issuance and such rate of interest not exceeding 4½ per cent. per annum payable semi-annually as it may deem advisable, serial bonds of the state of Louisiana in an amount sufficient to realize the sum necessary to settle or refund" the state's then existing bonded debt. (La. 324.)
Legislature may provide by law for funding of "corporate debts of public corporations". (Mont. XII 8.)
Debts to redeem "present outstanding" debt of state may be incurred. (Ohio VIII 2.)
Legislature to provide at first session under constitution for funding "all outstanding warrants and other indebtedness of the state". (Nebr. IX 8.)
Bonds issued to refund existing debt not to be computed as part of $200,000, to which state debt is limited. (N.D. XII 182.)
Legislature may provide for issuing bonds in lieu of bonds "heretofore authorized but not issued", subject to provisions respecting provisions for tax to pay principal and interest and time of redemption applicable to other debts created under constitution. (N.Y. VII 4.)
Excepted from prohibition of creation of debt. (Tex. III 49.)
Excepted from prohibition of contracting state debt. (Ind. X 5.)
Debts for renewal of existing bonds when they cannot be paid at maturity out of sinking fund or otherwise, excepted from prohibition of incurring of debt. (Mo. IV 44.)
Debts to refund "existing" bonded debt excepted from prohibition of incurring debts. (Ala. XI 213.)
Debts to pay "existing" debt excepted from prohibition of incurring of debt. (Ga. VII Sec. III 1; Pa. IX 4; Tex. III 49.)

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STATE DEBT (*Cont'd*)

PURPOSE (*Cont'd*)

Payment of Existing Debt (*Cont'd*)

Debts to redeem previous liability of state excepted from prohibition of incurring of debt. (Va. XIII 184; W.Va. X 4.)

Bonds to pay or refund valid bonds of state excepted from prohibition of debt unless approved on referendum. (N.M. IX 15.)

Debts to pay existing debt excepted from prohibition without approval three-fourths members elected to each house. (Del. VIII 3.)

Public Buildings

State may contract debts "for necessary expenditures for public purposes including the erection of public buildings" not, however, in aggregate with debts for deficiencies of revenue and for payment of territorial debt assumed to exceed 1½ per cent. of value of taxable property in state as shown by last previous assessment for state purposes. (Utah XIV 1.)

In addition to debt authorized by other provisions of constitution, legislature may increase public debt to amount not exceeding $250,000 "for the purpose of erecting and completing buildings for a hospital for the insane, deaf, dumb and blind asylum and state prison"; legislature may provide for issuing and selling bonds therefor and shall appropriate proceeds only for the above purposes; bonds to be payable not less than 10 nor more than 30 years from their date at the option of the state. (Minn. IX 14.)

Not to be contracted for erection of state house prior to 1865. (Ore. XIV 2.)

Not in any one year to exceed one-half mill on each dollar valuation taxable property and aggregate amount such debt not at any time to exceed $50,000, but debt for erection of public buildings may be created by law subject to provisions of constitution respecting laws creating state debts not exceeding in aggregate three mills on valuation taxable property provided law creating such debt be ratified by majority qualified electors of state voting on question at general election under regulations prescribed by legislature. Valuation to be "that of the assessment last preceding creation of said debt". (Colo. XI 3, 5.)

State may contract debts "for public purposes including erection public buildings" not, however, together with deficiencies of revenue and for payment of territorial debt assumed to exceed 1½ per cent. of value of taxable property in state as shown by last previous assessment for state purposes. (Utah XIV 1.)

Public Improvements

State may contract debts for making; but such debts together with debts for extraordinary expenses not to exceed $1,000,000. (Kan. XI 5.)

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STATE DEBT (*Cont'd*)

PURPOSE (*Cont'd*)

Reimburse School Fund Losses by Default

Amount found on audit by proper state authorities to have been lost to permanent school fund or university fund through defalcation, mismanagement or fraud of agents or officers controlling same to be permanent funded debt of state in favor of fund which sustained loss. (Iowa VII 3; Wash. IX 5.)

Roads

Excepted from limitation of state debt to $50,000; but legislature not to lend credit of state or create debt or liability for building and maintaining permanent roads which in aggregate for such purposes exceed 2 per cent. of assessed valuation of property in state. (Ore. XI 7.)

May be authorized by law without referendum for highway improvements; and none of provisions respecting debts which can only be incurred on referendum to apply to such highway debt; aggregate of such debt incurred without referendum not to exceed $50,000,000. (N.Y. VII 12.)

Legislature may authorize bonds not exceeding $2,000,000 at any one time, payable within 41 years at not exceeding 4 per cent. interest payable semi-annually, to be devoted solely to the building and maintaining of state highways; amount of such bonds outstanding never to exceed $2,000,000. Expenditure of proceeds to be equitably divided among the counties of the state. (Me. IX 17.)

Unforeseen Emergencies

State may contract debts to provide for on recommendation of governor first had; but if amount for this purpose and for deficiencies in revenue exceeds $250,000 for any year then to be incurred only on act of legislature approved by people on referendum; if incurred without referendum to be redeemed within two years from creation; if incurred on referendum to be redeemed within 18 years. (Mo. IV 44.)

War and Insurrection

State may incur debts to repel invasion, suppress insurrection or defend state in war. (Ariz. IX 5; Iowa VII 4; Kan. XI 7; N.Y. VII 3; Ohio VIII 2; Okla. X 24; Pa. IX 4; Utah XIV 2; Wash. VIII 2; Wis. VIII 7.)

State may incur debt to repel invasion or suppress insurrection but only on two-thirds vote of members each house, taken by yeas and nays and entered on journals. (Ala. XI 213.)

Legislature may issue state bonds to repel invasion or suppress insurrection. (Fla. IX 6.)

Legislature may contract debts to repel invasion, suppress insurrection or "if hostilities are threatened provide for the public defense". (Ky. 49.)

Legislature may contract "any amount that may be necessary" for the defense of the state. (Md. III 34.)

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STATE DEBT (*Cont'd*)

PURPOSE (*Cont'd*)

War and Insurrection (*Cont'd*)

State may contract debts to repel invasion, suppress insurrection or defend state or aid United States in time of war. (Mich. X 10.)

State may contract debts to suppress insurrection and provide for public defense. (N.M. IX 7.)

Debt to repel invasion, suppress insurrection and defend state in war excepted from provisions prohibiting debt. (Ga. VII Sec. XII 1, Sec. III 1; Tex. III 49; W.Va. X 4.)

Debts to suppress insurrection, defend the state or in time of war assist in defending the United States excepted from prohibition of contracting debt. (Colo. XI 3.)

Debts "in time of war to repel invasion or suppress insurrection" excepted from prohibition of debt. (Minn. IX 7.)

Debt to suppress insurrection, repel invasion, or "if hostilities be threatened provide for public defense", excepted from prohibition of state's contracting debt. (Ind. X 5.)

Debt for suppressing insurrection, repelling invasion or defending state in war, excepted from prohibition of state debt unless approved on referendum. (Ill. IV 18.)

Debts to repel invasion, suppress insurrection or defend state in war, excepted from limitation on amount of state debt. (Me. IX 14; Nebr. XII 1.)

Debts in case of war to repel invasion or suppress insurrection excepted from limitation on amount of state debt. (Ore. XI 7; Wyo. XVI 1.)

Debts to repel invasion, suppress insurrection, defend state in time of war or if hostilities be threatened provide for public defense excepted from limit on amount of state debt. (Nev. IX 3; N.D. XII 182.)

Debts to repel invasion, suppress insurrection or defend state or United States in war excepted from limitation on amount of state debt. (S.D. XIII 2.)

Debts to suppress insurrection or provide for public defense excepted from limitation of amount of debt which may be incurred without referendum. (Wyo. XVI 2.)

Debt incurred in case of war to repel invasion or suppress insurrection, excepted from limitation of amount of state debt which may be incurred without referendum. (Cal. XVI 1; Ida. VIII 1; Mont. XIII 2.)

Debts "in time of war or in case of insurrection or invasion" excepted from limitation on amount of debt which may be incurred without referendum. (R.I. IV 13.)

Debts for purposes of war or to repel invasion or to suppress insurrection excepted from limitation on amount of debt which may be incurred without referendum. (N.J. IV 6, 4.)

Debts to suppress invasion or insurrection excepted from prohibition of debt while state's bonds are under par, without levy of special tax for payment of interest. (N.C. V 4.)

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STATE DEBT (*Cont'd*)
PURPOSE (*Cont'd*)
War and Insurrection (*Cont'd*)
Excepted from prohibition without approval of three-fourths members elected to each house. (Del. VIII 3.)
BONDS
In General
Debts contracted by state to be by loan on state bonds. (Minn. IX 6; S.C. X 11.)
"State shall never issue any interest-bearing treasury warrants or scrip." (Ark. XVI 1.)
No scrip, certificate or other evidence of state indebtedness shall be issued. (Mich. X 11; Va. XIII 184; Wis. VIII 9.)
Legislature not to issue bonds or other evidences of indebtedness except for purposes authorized. (Mo. IV 44.)
No scrip, certificate or other evidence of state debt to be issued except for redemption of stock, bonds or other evidence of debt previously issued or for debts expressly authorized in constitution. (S.C. X 7.)
Issue and Transfer
Treasurer to issue no "bonds or other securities" except on order of comptroller countersigned by governor in manner prescribed by law. (Fla. IV 24.)
No bond or evidence of debt of state to be valid unless indorsed with certificate signed by auditor and attorney-general showing that it is issued pursuant to law and within debt limit. (Okla. X 29.)
No bonds or other evidence of indebtedness valid unless indorsed with certificates signed by auditor and secretary of state showing that it is issued in pursuance of law and within debt limit. (N.D. XII 187; Wyo. XVI 8.)
All bonds, certificates or other evidence of state debt to be signed by treasurer and countersigned by comptroller; no new certificate or other evidence intended to replace another to be issued until the one so replaced is delivered to the treasurer with duly executed authority to transfer the same and the transfer to be made on the treasurer's books and such old certificate canceled; but legislature may provide for cases of loss of certificates or other evidences of the state debt. (Md. VI 3.)
Comptroller to prescribe forms for transfer of stock or other evidences of state debt and countersign the same "without which such evidence shall not be valid". (Md. VI 2.)
Denomination
To be in denominations of $100 or any multiple thereof in case of specific authorization to fund outstanding warrants. (Colo. XI 3.)
Bonds for extraordinary expenditures to be in amounts not less than $500 each. (Minn. IX 6.)
To be in amounts of not less than $50. (S.C. X 11.)

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STATE DEBT (*Cont'd*)
BONDS (*Cont'd*)
Sale Price
To be sold at par and interest in case of specific authorization to fund outstanding warrants. (Colo. XI 3.)
Not to be sold by state under par. (Minn. IX 6.)
Record of
Treasurer to keep correct registry in numerical order to exhibit number and amounts unpaid and to whom payable. (S.C. X 11.)
Treasurer to keep register in numerical order of bonds issued for extraordinary expenses "so as always to exhibit the number and amount unpaid and to whom severally made payable". (Minn. IX 6.)
APPLICATION OF PROCEEDS
Limited to purposes specified in law authorizing. (Del. VIII 3; Ga. VII Sec. IV 1; Ky. 178; Mont. XIII 3; Okla. X 16; Pa. IX 5; Utah XIV 5.)
Limited to purposes specified in law authorizing or to repayment of debt thereby created. (Cal. XVI 1; Ida. VIII 1; Iowa VII 5; Minn. IX 8; N.Y. VII 4; Wash. VIII 3.)
Limited to purposes for which obtained. (Utah XIV 1, 2; Wash. VIII 2.)
Limited to purposes for which obtained or to repayment of debt thereby created. (Ariz. IX 5; Iowa VII 2, 4; Ill. IV 18; Kan. XI 7; Ky. 49; Mich. X 10; Mo. X 20; N.J. IV 6 (4); N.M. IX 9; N.Y. VII 2, 3; Ohio VIII 1, 2; Okla. X 23, 24; Wash. VIII 1; Wis. VIII 7.)
Balance left after accomplishment or abandonment of purpose specified in law creating debt may be disposed of according to law. (Del. VIII 3.)
INTEREST
In General
State bonds to bear interest. (S.C. X 11.)
Bonds for extraordinary expenditures to be issued "on interest". (Minn. IX 6.)
Rate
Three per cent. payable semi-annually at state treasurer's office or some place in New York city, in case of specific authorization of bonds to fund outstanding state warrants. (Colo. XI 3.)
On debt incurred to reimburse school fund losses by default not less than 6 per cent. payable to fund which sustained loss. (Iowa VII 3; Wash. IX 5.)
On bonds funding debt and warrants outstanding at time constitution adopted not to exceed 8 per cent. per annum. (Nebr. IX 8.)
Legislature may alter on any part of debt created under laws referred for people's approval; but not on that part of such debt or bonds evidencing it "created or issued" before the alteration. (N.Y. VII 4.)

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STATE DEBT (*Cont'd*)
INTEREST (*Cont'd*)
Payment

As to application of referendum provisions to bills providing for, See INITIATIVE AND REFERENDUM.

For provisions requiring law authorizing a debt to provide for payment of interest thereon, See above, this title, LAW AUTHORIZING — PROVISION FOR PAYMENT OF INTEREST AND PRINCIPAL.

See also TAXATION — STATE TAXES, *for general authorization of taxes for payment of interest on state debt.*

Legislature to levy annual tax sufficient to pay. (Ariz. IX 3; Mo. X 14; Okla. X 4; S.C. X 11; S.D. XI 1; Utah XIII 2; Wash. VII 1.)

At time of submitting proposed debt to vote of people provision to be made for payment of annual interest by tax levy or from other sources of revenue; law levying such tax to be submitted to people with law authorizing the debt and such law to be irrepealable until debt paid. (Ill. IV 18.)

Provision to be made for payment of interest annually by tax levy or from other sources of revenue; law providing such tax levy to be irrepealable until debt paid. (Nebr. XII 1.)

Treasurer on warrants issued by comptroller to make arrangements for. (Md. VI 3.)

Funds and resources "in the state interest and state sinking fund" to be appropriated to payment of interest on bonded debt and its discharge; for this purpose also state is required to levy annual tax sufficient to pay accruing interest as well as to reduce principal in amount stated. (Mo. X 14.)

Until legislature provides for payment of state and railroad debt of the state, annual tax of one-fifth per cent. on real and personal property and other effects subject to taxation to be levied and applied to payment of interest on such debt. (Mo. Sched. 8.)

Legislature may appropriate out of any funds in treasury money to pay interest on state debt or may set apart in each fiscal year money in the state treasury as a sinking fund to pay interest on debts incurred after approval on referendum; principal and income of such fund to be applied solely to the purpose for which created, and when amount so set apart in any fiscal year is sufficient to provide such sinking fund for such interest and principal, a direct annual tax for such year need not be imposed and collected. Sinking fund for payment of interest to be kept separate from that for redemption and to be "safely invested" and not to be appropriated or used in any manner other than for the specific purpose for which it shall have been provided. (N.Y. VII 11, 5.)

Payment of interest on highway debt incurred without referendum shall be provided for by general laws whose force and effect shall not be diminished during the existence of any debt created thereunder. (N.Y. VII 12.)

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STATE DEBT (*Cont'd*)

INTEREST (*Cont'd*)

Payment (*Cont'd*)

Legislature may by general laws require counties or towns to pay to sinking fund proportionate part of interest on cost of highways within its boundaries. (N.Y. VII 12.)

If rate of interest on state bonds be increased, legislature to impose and provide for collection of direct tax sufficient to pay increased rate and also to discharge principal at maturity and to appropriate annually to sinking fund moneys in amount sufficient to pay such interest and discharge principal at maturity. (N.Y. VII 4.)

Legislature to provide for raising revenue sufficient to pay interest on state debt in addition to expenses of state. (N.D. XI 174.)

Sinking fund to be created sufficient to pay accruing interest on state debt as well as to redeem principal. (Ohio VIII 7.)

Moneys appropriated therefor by legislature to be used by sinking fund commissioners for payment of interest on "public debt of the state excepting only the school and trust funds held by the state". (Ohio VIII 10.)

Legislature to continue fund existing prior to constitution and maintain it sufficient to pay accruing interest as well as to redeem principal. (Pa. IX 11.)

No debt to be contracted without provision for annual tax sufficient to pay interest annually. (Md. III 34.)

OBLIGATION OF

Nothing contained in constitution to "impair the obligations of any debts contracted by the state". (N.Y. I 17.)

ACCOUNT OF — PUBLICATION

Statement of all debts of state to be published as prescribed by law. (Conn. IV 21.)

REDEMPTION

For provisions requiring law authorizing a debt to provide for its payment at maturity, See above, this title, LAW AUTHORIZING — PROVISION FOR PAYMENT OF INTEREST AND PRINCIPAL.

For particular provisions respecting redemption of debts for casual deficiencies in revenue, See above, this title, PURPOSE — DEFICIENCIES IN REVENUE.

As to application of referendum to bills providing for payment of principal of state debt, See INITIATIVE AND REFERENDUM.

In General

Legislature to provide from time to time for payment of all just and legal debts of state. (Ark. XVI 2.)

From General State Funds

Surplus in treasury derived from general state taxes; after payment ordinary expenses and interest on state bonds "other than bank bonds" to be applied annually under direction of legislature to payment of principal of state debt. (Ind. X 2.)

Legislature may make appropriations for from any funds in state treasury. (N.Y. VII 11.)

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STATE DEBT (*Cont'd*)
REDEMPTION (*Cont'd*)
From General State Funds (*Cont'd*)
Moneys appropriated therefor by legislature to be used by sinking fund commissioners for payment of principal of "public debt of the state excepting only the school and trust funds held by the state". (Ohio VIII 10.)
State moneys "over and above the necessary reserve" to be used for either directly or through sinking fund. (Pa. IX 12.)
By Taxation
For provisions respecting purposes for which state may levy taxes, including payment of state debt, See TAXATION — STATE TAXES.
See also above, this title, LAW AUTHORIZING — PROVISION FOR PAYMENT OF INTEREST AND PRINCIPAL.
Annual tax to be levied and collected sufficient to pay accruing interest on state bonded debt and to reduce principal thereof annually by not less than $250,000. Proceeds of such tax to be paid into state treasury and appropriated and paid out for interest on state's bonded debt and for benefit of sinking fund as provided by section 32 of article IV of constitution. This tax to cease when bonded debt extinguished or sum sufficient for its extinguishment has been raised. (Mo. X 14.)
Legislature to levy annual tax sufficient to pay interest and principal at maturity but such tax not to exceed in any year two mills on assessed valuation of taxable property in the state ascertained by last assessment for state and county purposes. (S.D. XI 1.)
Legislature to provide for levying annual tax sufficient to pay annual interest and principal of state debt, if any, at maturity. (Ariz. IX 3; Okla. X 4; Utah XIII 2; Wash. VII 1.)
Direct annual tax for interest and principal of debt need not be levied for any year in which legislature sets apart from state treasury sufficient to provide sinking fund therefor. (N.Y. VII 1.)
Legislature not to levy tax to pay debts or bonds incurred or issued by authority of specified sessions of previous legislatures, except bonds for funding pre-existing state debt, unless approved by majority of voters of state at regular election held for that purpose. (N.C. I 6.)
No debt to be contracted without provision for annual tax sufficient to pay principal at maturity. (Md. III 34.)
Legislature to levy annual tax sufficient to pay principal at maturity. (Utah XIII 2.)
From Proceeds Sale Public Works
Annual income of and proceeds of the sale of public works belonging to the state to be applied under direction of legislature. (Ind. X 2.)
Proceeds of sale of railroads held by state and other state property to be applied to payment of bonded debt of state and to

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STATE DEBT (*Cont'd*)

REDEMPTION (*Cont'd*)

From Proceeds Sale Public Works (*Cont'd*)

no other purpose so long as state has any bonded debt; proceeds of sale of specific railroad to be applied to redemption of bonds for which said railroad was mortgaged in preference to other bonds. (Ga. VII Sec. XIII 1.)

Board of public works authorized, subject to regulations and conditions provided by legislature, to sell state's interest in works of internal improvement or any banking corporation receiving in payment therefor bonds or registered debt of state equal in amount to price obtained for state's interest. (Md. XII 3.)

"Proceeds of the internal improvement companies" not to be appropriated to any other purpose until public debt and interest fully paid or holdings of the sinking fund equal to outstanding debt. (Md. III 34.)

Time

Five years from passage of law authorizing. (Wis. VIII 6.)

Within 10 years from final passage law creating. (S.D. XI 1.)

Within 10 years from passage of law authorizing in case of debts for extraordinary expenditures. (Minn. IX 6.)

Term to be not less than 10 nor more than 15 years in case of debts contracted for erection public buildings and supplying deficiencies of revenue. (Colo. XI 4.)

Not more than 13 years from creation in case of debts for unforeseen emergency, or deficiencies in revenue incurred in excess of amount permitted without referendum. (Mo. IV 44.)

Within 15 years from time of contracting. (Md. III 34.)

"Payment of any liability other than that for the ordinary expenses of the state shall be equally distributed over a period of at least 20 years". (W.Va. X 4.)

Within 20 years from passage of law creating debt. (Nev. IX 3; Utah XIII 2; Wash. VII 1.)

Within 20 years from date of contracting. (Ida. VIII 1; Iowa VII 5; Wash. VIII 3.)

Within 25 years from passage of law creating. (Ariz. IX 3; Okla. X 4.)

Within 25 years from date of contracting in case of debt on which referendum required. (Okla. X 25.)

Within 30 years. (Ky. 50.)

Within 30 years from passage of law creating. (N.D. XII 182.)

Within 35 years from time of contracting. (N.J. IV 6, 4.)

Not more than 40 years after passage law authorizing. (S.C. X 11.)

Within 50 years from time of contracting. (N.M. IX 8.)

Within 50 years from date of contracting; this applies also to bonds issued in lieu of bonds authorized but not issued prior to adoption of constitution. (N.Y. VII 4.)

Bonds authorized to be issued by governor in pursuance of specified statutes validated by this provision to be payable at any-

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STATE DEBT (*Cont'd*)
REDEMPTION (*Cont'd*)
Time (*Cont'd*)
time not exceeding 50 years from date and not to be redeemed until maturity. (Ala. XVII 283.)
At state's option after 10 years and within 50 years from date of bonds in case of specific authorization of bonds to fund outstanding state warrants. (Colo. XI 3.)
Within 75 years of time of contracting. (Cal. XVI 1.)
Place
Payable at state treasurer's office in case of specific authorization of bonds to fund outstanding state warrants. (Colo. XI 3.)
Sinking Fund
In General
Legislature to raise by taxation each year, in addition to sum required to pay public expenses and interest on public debt, $100,000 to be held as sinking fund to be applied solely to retire state bonds "not yet matured"; but this section not to be effective until specified bonds have been paid. (Ga. VII Sec. XIV 1.)
Secretary of state, state treasurer and commissioner of land office to act as "board of fund commissioners" and perform such duties as prescribed by law. (Mich. VI 20.)
Special fund provided into which proceeds of rentals and sales of public lands paid for interest and redemption of debts of specified counties assumed by state at time of admission. (N.M. IX 4.)
"Creation of a sinking fund of at least 2 per cent. per annum to discharge the principal at maturity shall be provided by general laws whose force and effect shall not be diminished during the existence of any debt created thereunder"; this applies only to debts created for highway purposes up to the $50,000,000 limit allowed without referendum. (N.Y. VII 12.)
"To provide for the payment of the present state debt and any additional debt" contracted in accordance with the constitution; legislature to "continue and maintain the sinking fund sufficient to pay the accruing interest on such debt and annually to reduce the principal thereof by a sum not less than $250,000". (Pa. IX 11.)
Debts incurred to redeem "present outstanding indebtedness" of state to be "so contracted as to be payable by the sinking fund hereinafter provided for as the same shall accumulate". (Ohio VIII 2.)
"The faith of the state being pledged for the payment of its public debt, in order to provide therefor, there shall be created a sinking fund which shall be sufficient to pay the accruing interest on such debt, and, annually to reduce the principal thereof by a sum not less than

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STATE DEBT (*Cont'd*)
REDEMPTION (*Cont'd*)
Sinking Fund (*Cont'd*)
In General (*Cont'd*)

$100,000, increased yearly, and each and every year, by compounding at the rate of 6 per cent. per annum." (Ohio VIII 7.)

State auditor, secretary of state and attorney-general created a board of commissioners "to be styled 'the commissioners of the sinking fund.'" (Ohio VIII 8.)

Legislature to provide and maintain sinking fund in accordance with specified statute to provide for funding Virginia's share of debt existing time of partition state territory (Act February 14, 1882). (Va. XIII 187.)

Sources of Income

Surplus of tax required to be levied for payment of interest on state and railroad debt of state until legislature makes provision for payment of such debt to be paid into sinking fund for payment of such debt. (Mo. Sched. 8.)

Legislature may appropriate out of any funds in treasury moneys to pay principal of state debt or any part thereof and may set apart in each fiscal year moneys in state treasury as a sinking fund to pay and discharge principal of debts incurred after approval on referendum; if moneys set apart in any fiscal year be sufficient to provide such sinking fund, direct annual tax for such year need not be imposed and collected; to be "safely invested". (N.Y. VII 11, 5.)

Commissioners of sinking fund immediately preceding each regular legislative session to "make an estimate of the probable amount of the fund * * * from all sources except from taxation and report the same together with all their proceedings relative to said fund and the public debt to the governor who shall transmit the same with his regular message" to the legislature; legislature to make "all necessary provision for raising and disbursing said sinking fund in pursuance" of provisions of constitution. (Ohio VIII 9.)

Sinking fund to consist of proceeds of sales of public works or any part thereof and of income or proceeds of sale of stocks owned by state "together with other funds and resources that may be designated by law and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the state not required for the ordinary and current expenses of government". (Pa. IX 11.)

"The moneys of the state over and above the necessary reserve shall be used in the payment of the debt of the state either directly or through the sinking fund." (Pa. IX 12.)

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STATE DEBT (*Cont'd*)
REDEMPTION (*Cont'd*)
Sinking Fund (*Cont'd*)
Sources of Income (*Cont'd*)

Legislature may by general laws require county or town or both to pay to sinking fund proportionate part of cost of highways within its boundaries, not exceeding for county thirty-five one-hundredths of cost and for town fifteen one-hundredths. (N.Y. VII 12.)

Legislature not to enact laws to diminish resources of, as established time adoption constitution, until state debt paid; but may enact laws to increase resources of fund. (Ky. 48.)

Investment

If bonds for retirement of which sinking fund maintained cannot be purchased at or below par, fund to be loaned by governor and treasurer on security only of valid bonds of state; but this section not to be effective until specified bonds have been paid. (Ga. VII Sec. XIV 1.)

To be kept "safely invested". (N.Y. VII 5.)

Treasurer on warrant issued by comptroller to make arrangements for purchase of outstanding state debt on account of sinking fund. (Md. VI 3.)

Moneys of fund not to be invested in or loaned upon security of anything except the bonds of United States or of this state. (Pa. IX 12.)

Application

"Whole resources" to be "sacredly set apart" and applied to payment of interest and principal of debt and to no other purpose until whole debt of state fully satisfied. (Ky. 48.)

Funds and resources "in the state interest and state sinking fund" to be appropriated to payment of interest on bonded debt and its discharge; for this purpose also state is required to levy annual tax sufficient to pay accruing interest and to reduce principal by not less than $250,000. Surplus of tax for interest on state and railroad debt paid into sinking fund to be applied to payment of such debt and to no other purpose. (Mo. X 14, Sched. 8.)

Principal and interest of fund to be applied solely to purpose for which fund created and not to be "appropriated or used in any manner other than for the specific purpose for which it shall have been provided". (N.Y. VII 11, 5.)

To be duty of sinking fund commissioners "faithfully to apply (sinking fund) together with all moneys that may be (by legislature) appropriated to that object to the payment of the interest as it becomes due and the redemption of the principal of the public debt of the state except only the school and trust funds held by the state". (Ohio VIII 10.)

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STATE DEBT (*Cont'd*)

REDEMPTION (*Cont'd*)

Sinking Fund (*Cont'd*)

Application (*Cont'd*)

"Unless in case of war, invasion or insurrection no part of" sinking fund to be used or applied otherwise than in the extinguishment of the public debt (but see provision same section that fund be maintained "sufficient to pay the accruing interest on such debt"). (Pa. IX 11.)

Report

Commissioners to make semi-annual report of their proceedings to governor who shall publish same and communicate it to legislature forthwith if in session, but if not, then to the next session. (Ohio VIII 11.)

STATE ENGINEER

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title PUBLIC OFFICERS.

APPOINTMENT

By governor subject to confirmation of senate. (Wyo. VIII 5.)

COMPENSATION

Fixed by law. (N.Y. V 1.)

Increase or decrease during term for which elected prohibited. (N.Y. V 1.)

Fees, perquisites or compensation other than salary prohibited. (N.Y. V 1.)

ELECTION

At general election at time and place of electing governor. (N.Y. V 1, 2.)

POWERS AND DUTIES

As prescribed by law. (N.Y. V 6.)

Canals, execution of laws relating to construction and improvement as may be confided to him. (N.Y. V 3.)

President of board of control and general supervision of waters of state and of officers connected with its distribution. (Wyo. VIII 5.)

QUALIFICATIONS

Practical civil engineer. (N.Y. V 1.)

Such theoretical knowledge and practical experience and skill as shall fit him for position. (Wyo. VIII 5.)

TERM OF OFFICE

Two years. (N.Y. V 1, 2.)

Six years and until successor qualified. (Wyo. VIII 5.)

STATE EXAMINER

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title PUBLIC OFFICERS. *See also* "AUDITOR", *and* "COMPTROLLER".

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STATE EXAMINER (*Cont'd*)

APPOINTMENT

By governor with advice and consent of senate. (Ariz. XXII 18.)

To be provided for by legislature and appointed by governor subject to confirmation by senate. (Mont. VII 8; Wyo. IV 14.)

COMPENSATION

To be fixed by law. (Mont. VII 8; Wyo. IV 14.)

Fixed at $3,000 until otherwise provided by law; not to be increased or diminished during term for which elected, and he shall not receive to own use fees, costs or perquisites of office or other compensation. (Okla. VI 34; Sched. 15.)

ELECTION. (Okla. VI 1, 3, 4, 5.)

POWERS AND DUTIES

To examine accounts of state treasurer, supreme court clerks, district court clerks, county treasurers and treasurers of such other public institutions as may be prescribed by law; and perform other duties prescribed by law; to report at least once a year, and oftener if required, to officers designated by legislature. (Mont. VII 8; Wyo. IV 14.)

To examine state and all county treasurers' books, accounts and cash on hand or in bank at least twice a year without notice and publish report once a year. For such purposes shall take complete possession of treasurer's office. To prescribe uniform system of bookkeeping for use of all treasurers. Other powers and duties as may be prescribed by law. (Okla. VI 19.)

To examine books and accounts of such public officers and have such other powers and duties as prescribed by law. (Ariz. XXII 18.)

To keep office and public records at seat of government and perform duties designated in constitution or prescribed by law. (Okla. VI 1.)

QUALIFICATIONS

Male citizen of United States, 30 years old and for three years preceding election a qualified elector of state. Must have had three years' experience as expert accountant. (Okla. VI 3, 19.)

TERM OF OFFICE

Two years. (Ariz. XXII 18.)

Four years from second Monday of January after election. (Okla VI 4.)

STATE FINANCES

For provisions respecting state banks and state interest in banks, See BANKS.

For provisions authorizing state insurance funds, See WORKMEN'S COMPENSATION.

For provisions relating to state ownership, See "PUBLIC PROPERTY", "PUBLIC LANDS", "CANALS", *and* "STATE BUSINESS ENTERPRISE".

For provisions respecting contracts with state, See PUBLIC CONTRACTS.

IN GENERAL

Comptroller to have general superintendence of "fiscal affairs" of state. (Md. VI 2.)

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STATE FINANCES (*Cont'd*)

FISCAL YEAR

See also POLITICAL YEAR.

To commence January 1st. (Nev. IX 1; S.C. X 10.)

To commence January 1st unless changed by legislature. (Utah XIII 1.)

To commence on second Monday January unless otherwise provided by law. (Ida. VII 1.)

To commence July 1st. (Ariz. IX 4; Cal. XX 5.)

To commence July 1st unless otherwise provided by law. (Ky. 169; Okla. X 1.)

To commence October 1st and end September 30th. (Miss. IV 115.)

To commence October 1st unless otherwise provided by law. (Colo. X 1.)

BUDGET

See also APPROPRIATIONS.

As to governor's duty to send to legislature message reviewing "condition" of state and recommending expedient measures, See GOVERNOR.

As to power of governor or legislature to require from executive officers and state institutions information respecting the expenses and condition of their respective offices, and the duty of such officers and institutions to give such information, See PUBLIC OFFICERS — REPORTS, *or the particular officer or institution.*

Governor, auditor and attorney-general before each regular session to prepare "general revenue bill" and submit it to legislature "for its information"; sufficient number of copies of such bill to be printed for use of legislature; governor to transmit copies to lower house "as soon as organized to be used or dealt with as that house may elect". (Ala. IV 70.)

Each officer of executive department to make to governor at beginning of regular session report "of the requirements" of his office; governor to lay report before legislature at beginning of regular session; legislature may call for additional information. (Fla. IV 27.)

Governor to present at commencement of each regular session estimates of amount of money required to be raised by taxation for all purposes. (Ala. V 123; Ill. V 7; Mo. V 10; Nebr. V 7; Tex. IV 9.)

Governor at beginning each session, to present estimates of amount of money required to be raised by taxation for all state purposes. (Colo. IV 8; Ida. IV 8; Mont. VII 10; W.Va. VII 6.)

Comptroller to prepare and report estimates of revenue and expenditures. (Md. VI 2.)

CLAIMS AGAINST STATE

Under this subdivision are digested only provisions respecting validity, presentation and audit of claims; for suits on such claims, See SUITS AGAINST STATE.

Time and Manner of Presenting

Legislature may prescribe by law manner in which accounts shall be rendered for state printing. (Mich. V 25.)

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STATE FINANCES (*Cont'd*)

CLAIMS AGAINST STATE (*Cont'd*)

Time and Manner of Presenting (*Cont'd*)

Legislature, canal board, or any person acting for state, not to audit, allow or pay claims which as between citizens would be barred, except when presented in accordance with law allowing further time; this not to be construed as repealing statutes fixing time for presentation of claims and does not extend to claims presented within time allowed by law and thereafter prosecuted with due diligence. (N.Y. VII 6.)

Except claims of United States and judgments, no appropriation to be made for payment of claims unless filed within six years after claim accrued. (Wis. VIII 2.)

In case of claimants under disability claims may be presented within two years after removal of disability. (N.Y. VII 6.)

Expenses of committees of legislature to examine state institutions not at seat of government, to be returned by chairman and certified by him and state auditor before they can be paid. (Mo. IV 16.)

Audit and Payment

Legislature not to audit or allow any private claim or account against the state. (Mich. V 34; N.Y. III 19.)

Legislature not to audit or allow "any private claim" against the state except for expenses incurred during session at which same allowed. (Ky. 58.)

Special law making compensation to claimant of damages, forbidden. (Ida. IV 24; Ore. IV 24.)

Legislature may appropriate to pay claims audited and allowed according to law. (Ky. 58; N.Y. III 19.)

Legislature not to appropriate money from treasury to pay private claims exceeding $300 unless first presented to comptroller of treasury with proofs on which founded, and reported upon by him. (Md. III 52.)

Legislature may direct by law manner in which claims against state may be established and adjusted. (S.C. XVII 2.)

Legislature to provide that claims upon treasury shall be "examined and adjusted by the auditor and approved by the secretary of state" before warrant for payment is drawn. (Nebr. IX 9.)

"No bills, claims, accounts or demands against the state" shall be audited, allowed or paid until a full itemized statement in writing verified by affidavit shall be filed with the officer or officers whose duty it may be to audit same. (N.D. XII 186; Wyo. XVI 7.)

Secretary of state, state treasurer and commissioner of land office to constitute board of state auditors and to examine and adjust all claims against state not otherwise provided for by general law. (Mich. VI 20.)

Governor, secretary of state and attorney-general to constitute board of examiners, with power to examine all claims against

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STATE FINANCES (*Cont'd*)

CLAIMS AGAINST STATE (*Cont'd*)

Audit and Payment (*Cont'd*)

state except salaries or compensation of officers fixed by law; and no claim except such salaries to be passed upon by legislature without first having been considered and acted on by this board. (Ida. IV 18; Mont. VII 20; Nev. V 21.)

Persons aggrieved by decision of auditor and secretary of state on claims presented to them may appeal to district court. (Nebr. IX 9.)

Necessity of Previous Authorization

Legislature not to pay or authorize payment of claims under contract made without authority of law. (Cal. IV 32; Ill. IV 19; La. 47; Miss. IV 96; Mo. IV 48; S.C. III 30; S.D. XII 3; Utah VI 30; W.Va. VI 38.)

Same; but this does not apply to claims incurred by public officers in executing state laws. (Utah VI 30.)

Same; and legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion. (Ill. IV 19; Miss. IV 96; S.C. III 30; S.D. XII 3; W.Va. VI 38.)

Legislature not to authorize payment of claims "without previous authority of law". (Colo. V 28; Mont. V 29; Pa. III 11.)

Except as may be otherwise provided in constitution. (Mont. V 29.)

No money to be paid on any claim, subject matter of which was not provided for by pre-existing law, unless allowed by two-thirds of members elected to each house. (Ark. V 27; Fla. XVI 11; Iowa III 31; Ohio II 29.)

Legislature not to grant money out of state treasury by appropriation or otherwise on claims not provided for by pre-existing law. (Tex. III 44.)

REVENUES AND RECEIPTS

For provisions relating to state taxes, See TAXATION.

As to amount, collection and accounting for and return of fees and other receipts of public officers generally, See PUBLIC OFFICERS — FEES AND EMOLUMENTS; *as to fees and receipts of particular officer or class of officers, See specific title.*

For provisions relating to income from or proceeds of the sale or lease of public property, See PUBLIC PROPERTY.

For provisions relating to fines, penalties and forfeitures, See CRIMES.

For provisions relating to fees for filing articles of incorporation and other documents, See CORPORATIONS.

In General

State treasurer to receive all moneys belonging to state. (Conn. IV 17.)

Legislature to prescribe by law manner in which treasurer shall receive state moneys. (Md. VI 3.)

Comptroller to prepare and report estimate of revenues; and to digest and prepare plans for improvement and management of state's revenues. (Md. VI 2.)

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STATE FINANCES (*Cont'd*)

REVENUES AND RECEIPTS (*Cont'd*)

In General (*Cont'd*)

"All moneys derived from (Illinois Central Railroad Company) after the payment of the state debt shall be appropriated and set apart for the payment of the ordinary expenses of the state government and for no other purposes whatever." (Ill. Amend. 1870 — Ill. Central Railroad Separately Submitted.)

Revenue Bills

For other provisions relating to introduction of revenue bills in the legislature, and excepting such bills from requirement that bill contain but one subject, See LEGISLATIVE PROCEDURE.

"No revenue bill" to become law except by vote of three-fifths members present and voting. (Miss. IV 70.)

Matters "not immediately relating to and necessary for raising revenue" not to be "in any manner blended with or annexed to" revenue bills; but no bill from operation of which revenue may incidentally arise shall be considered a bill for raising revenue. (Del. VIII 2.)

Amount

Legislature to provide for sufficient revenue to defray expenses of state for fiscal year and interest on state debt. (Ohio XII 4; Ore. IX 2.)

Same; and principal of state debt. (Fla. IX 2.)

Legislature to provide at each regular session for raising sufficient to defray current expenses of state for two years. (Kan. XI 3.)

Rentals specified in leases of water power from Chicago-Lockport canal shall be subject to revaluation each 10 years of term. (Ill. Amend. 1870-1908 — Ill. and Michigan Canal Separately Submitted.)

Collection

Comptroller to superintend and enforce prompt collection of revenues; and to settle and adjust on terms prescribed by law with delinquent collectors of state's revenue. (Md. VI 2.)

All revenue collected and moneys received by state from any source to go into treasury and legislature not to have power to divert same. (Mo. IV 43.)

Revenue to be collected by proper officers and paid into state treasury. (Va. XIII 186.)

Income of Chicago-Lockport canal to be paid into state treasury. (Ill. Amend. 1870–1908 — Ill. and Michigan Canal Separately Submitted.)

Treasurer's receipt for moneys received to be endorsed on comptroller's warrants "without which warrants so signed no acknowledgment of money received into the treasury shall be valid". (Md. VI 3.)

Account of — Publication

Statement of all receipts of state to be published as prescribed by law. (Conn. IV 21.)

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STATE FINANCES (*Cont'd*)

REVENUES AND RECEIPTS (*Cont'd*)

Account of — Publication (*Cont'd*)

Accurate and detailed statement of receipts of public money to be published as prescribed by law. (Ark. XIX 12; Kan. XV 5; Ohio XV 3.)

Regular statement and account of receipts of public money to be published from time to time. (Mo. X 19.)

Regular statement and account of receipts of public money to be published annually. (Ky. 230.)

Accurate account of receipts of public money to be annually published. (N.C. XIV 3.)

Complete and detailed statement of receipts of public money to be published annually. (W.Va. X 3.)

Regular statement and account of receipts of public money to be published every three months in manner prescribed by law. (La. 45.)

Accurate statement of receipts of public money to be published annually in manner provided by law. (Ariz. IX 4; Utah XIII 6; Wash. VII 7.)

Regular account of receipts of public money to be published annually in manner directed by law. (Ala. IV 72; Del. VIII 6.)

Regular statement of receipts of public moneys under oath and account of, to be published annually in manner prescribed by law. (Tex. XVI 6.)

Regular statement and account of receipts of public money to be published at commencement of annual session of legislature. (Me. V Pt. IV 4.)

Regular statement and account of receipts of public money to be published every three months and also with session laws. (Ga. III Sec. VII 11.)

Accurate itemized statement of receipts of public moneys to be published annually in manner provided by legislature and to be submitted to legislature by governor with his message at beginning each regular session. (S.D. XI 12, XII 4.)

Accurate statement of receipts of public money to be published with session laws. (Cal. IV 22; Fla. III 19; Ind. X 4; Iowa III 18; Md. III 32; Mich. X 17; Nev. IV 19; Ore. X 5; S.C. X 8; Tenn. II 24.)

RELEASE OF OBLIGATIONS DUE STATE, *See* PUBLIC PROPERTY — OBLIGATIONS OWNED BY STATE.

CUSTODY OF STATE MONEY

In General

For provisions respecting responsibility for funds entrusted to them and punishment by disqualification for office or otherwise for misuse of such funds, See PUBLIC OFFICERS *and particular officer or class of officers.*

Legislature to pass suitable laws for safe-keeping of state funds. (S.C. X 12.)

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STATE FINANCES (*Cont'd*)

CUSTODY OF STATE MONEY (*Cont'd*)

In General (*Cont'd*)

Legislature to provide by law regulations for safe-keeping and management of public funds in hands of treasurer. (Colo. X 12; Mont. XII 13.)

Legislature to pass suitable laws for safe-keeping state and school funds. (Minn. IX 12.)

Deposit in Bank

All moneys belonging to state may be deposited in any national bank within state or in any bank organized under laws of state in manner and under conditions provided by law. Deposits at any one time not to exceed 50 per cent. of paid-up capital stock of depository bank, and no officer to deposit at one time more than 20 per cent. of public moneys available for deposit in any bank and while there are other qualified banks requesting such deposits. Bank to furnish as security for deposits bonds of United States, California or any county, municipality or school district, or irrigation district within state to be approved by officer designated by law to an amount in value at least 10 per cent. in excess of amount of deposit. Banks to pay reasonable rate of interest not less than 2 per cent. per annum on daily balances. (Cal. XI 16½.)

Treasurer not to receive any fee, interest or reward for deposit or use in any manner of the public funds. Legislature to enforce by suitable penalties. (Ga. V Sec. II 5.)

Treasurer to receive and until otherwise prescribed by law deposit as soon as received to credit of state in banks selected by him with approval of governor; such banks to give security satisfactory to the governor for safe-keeping and payment. (Md. VI 3.)

State moneys not to be deposited in banks other than those organized under national or state banking laws. Deposits in any bank not to exceed 50 per cent. of capital and surplus of bank. Bank receiving deposits to show amount thereof as separate item in all published statements. (Mich. X 15.)

All moneys in state treasury belonging to state shall immediately on receipt be deposited by treasurer to credit of state for benefit of proper fund in bank selected by treasurer with approval of governor and attorney-general; such bank to give security satisfactory to governor and attorney-general for safe-keeping and repayment of such deposits when demanded by treasurer on his check. Bank receiving state deposits "to pay a bonus for the use of such deposits not less than the bonus paid by other banks for similar deposits". Funds in bank together with interest and profits accruing thereon to be disposed by treasurer for state purposes according to law upon warrants drawn by state auditor and not otherwise. (Mo. X 15.)

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STATE FINANCES (*Cont'd*)

CUSTODY OF STATE MONEY (*Cont'd*)

Deposit in Bank (*Cont'd*)

Funds in hands of state treasurer to be deposited at such rate of interest as prescribed by law. Governor, state auditor and state treasurer constitute "state depository board" with full power to designate depositories with which funds in hands of treasurer shall be deposited; when money so deposited treasurer not to be liable "for loss on account of any such deposit occurring through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud or dishonorable conduct". (Mont. XII 14.)

All public moneys not invested in interest-bearing securities to be deposited in national bank in state or in banks or trust companies incorporated under laws of state. Interest on such deposit to be applied in manner prescribed by law. (N.M. VIII 4.)

All state money except as otherwise provided in constitution shall whenever practicable be deposited in a national bank or bank incorporated under laws of state; bank to furnish security approved as provided by law and to pay reasonable rate of interest, such interest to accrue to fund from which it is derived. (Wyo. XV 7.)

FUNDS

For provisions relating to school funds, See EDUCATION — FUNDS.

For provisions relating to sinking funds, See STATE DEBT — REDEMPTION.

For state funds for insuring compensation payable to injured employees and dependents of killed employees, See WORKMEN'S COMPENSATION.

For provisions relating to special funds derived from proceeds of sales and leases of public property, See "PUBLIC PROPERTY — TRUSTS" *and* "PUBLIC LANDS — TRUSTS".

Moneys held as "necessary reserve" to be limited by law "to the amount required for current expenses" and to be secured and kept as provided by law; monthly statements to be published showing the amount thereof, where deposited, how secured. (Pa. IX 13.)

Money of any fund not to be diverted therefrom either by joint or separate resolution. (Ill. IV 17; Nebr. III 22.)

No money to be taken from any fund for any other purpose than that for which it has been appropriated or provided. (W.Va. X 3.)

Legislature to pass suitable laws for transfer and disbursement of all state and school funds. (Minn. IX 12.)

Legislature not to borrow or in any manner divert from its purpose any special fund that may or ought to come into the treasury. Legislature to make it penal offense for any person to borrow, withhold or divert from its purpose any special fund or part thereof. (Tex. VIII 7.)

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STATE FINANCES (*Cont'd*)

FUNDS (*Cont'd*)

Statement of all funds of state to be published as prescribed by law. (Conn. IV 21.)

Special fund for Panama Exposition created in state treasury. Details as to taxes, income payable into this fund, control thereof, and disbursements therefrom. (Cal. IV 22.)

Special "interest account" and "bond redemption account" funds to be created in state treasurer's office from payments required to be made by board of commissioners of port of New Orleans for payment of interest on and redemption of outstanding bonds and for improvement of the port of New Orleans. (La. 321.)

CURRENCY, ISSUE OF

Legislature not to issue "treasury warrants, treasury notes or paper of any description intended to circulate as money". (Tex. XVI 7.)

PUBLIC CREDIT

For loans of state credit, and state debts generally, See the title, STATE DEBT.

Comptroller to digest and prepare plans for support of. (Md. VI 2.)

LOANS OF STATE MONEY

State not to lend money in aid of any work of internal improvement or to any individual, association or corporation; but legislature may use specific funds or make appropriation for construction, repair or maintenance of public roads. (Ala. IV 93.)

"Trust moneys" of state may be invested in bank with branches on "unquestionable security". (Ind. XI 11.)

Funds of state not to be loaned to any person, association or corporation "public or private". (La. 58.)

State not to lend money to any company, association or corporation except corporations formed for educational or charitable purposes. (Nev. VIII 9.)

State money not to be loaned in aid of corporations or private undertakings; but legislature may make such provision as it deems proper for "education and support of the blind, the deaf and dumb and juvenile delinquents"; and prohibition does not apply to funds held by state for "educational purposes". (N.Y. VIII 9, 14.)

REFUNDS

Local or special legislation refunding money paid into state treasury, forbidden. (Cal. IV 25; Ida. III 19; Mo. IV 53; Mont. V 26; Nev. IV 20; N.M. IV 24; N.D. II 69; Tex. III 56; Wyo. III 27.)

Local or special legislation refunding money "legally" paid into state treasury, forbidden. (Ky. 59; La. 48; Okla. V 46.)

Local, special or private legislation refunding money "lawfully" paid into treasury of state, forbidden. (Va. IV 63.)

Local or special laws refunding money paid into state treasury prohibited; unless recommended by governor or officers of treasury department. (Md. III 33.)

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STATE FINANCES (*Cont'd*)

EXPENDITURES

See also APPROPRIATIONS.

Purpose

In General

Treasurer to disburse state moneys for state purposes on proper warrant and not otherwise. (Md. VI 3.)

Proceeds of tax levies to be expended for "public service in the necessary defense and support of the government" of state "and the protection and preservation of the subjects thereof" in accordance with statutes. No money, except that appropriated for redemption of and interest on debts, to be drawn from treasury unless on proper warrant for necessary support and defense of state and necessary protection and preservation of inhabitants thereof. (Mass. Pt. II Ch. I Sec. I 4, Ch. II Sec. I 11; N.H. II 5, 55.)

"No allowance shall be made for the incidental expenses of any state officer" except by general appropriation on an itemized account. (Nebr. III 22.)

Aid to Private or Corporate Enterprise

For loans of state credit to or in aid of such enterprise, See STATE DEBT — PURPOSE.

For provisions relating to state ownership of stocks and bonds of corporations, or joint ownership of property generally, See PUBLIC PROPERTY — STATE OWNERSHIP FORBIDDEN.

See also "CHARITIES — APPROPRIATIONS" *and* "CHARITIES — ESTABLISHMENT AND SUPPORT", *and* "CHARITIES AND CORRECTIONS — SUPPORT OF".

For state aid to sectarian schools, See EDUCATION.

State money not to be given to or in aid of any person, association or corporation. (Ariz. IX 7.)

Same; except for necessary support of poor. (N.D. XII 185; S.D. XIII 1; Wyo. XVI 6.)

State money not to be given to or in aid of any person, association or corporation except for care of sick and indigent persons. (N.M. IX 14.)

Funds of state not to be granted to or for any person, association or corporation "public or private" and state not to subscribe "for any private enterprise". (La. 58.)

Legislature not to make or authorise any gift of public money, or thing of value to individual or corporation, but this not to prevent legislature granting aid to institutions for support of children and aged persons. (Cal. IV 31.)

State money not to be given to or in aid of any person, company or corporation. (Colo. XI 2; Ga. VII Sec. XVI 1; Mont. XIII 1.)

Same; except in case of public calamity. (Mo. IV 46.)

State money not to be given to or in aid of any society, company, association or corporation. (N.J. I 20.)

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STATE FINANCES (*Cont'd*)
EXPENDITURES (*Cont'd*)
Purpose (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)
State money not to be given to or in aid of any company, association or corporation. (Ky. 177; Okla. X 15.)
Same; except corporation for educational or charitable purposes. (Nev. VIII 9.)
State money not to be given to corporations or private undertakings; but legislature may make such provision as it deems proper for "education and support of the blind, deaf and dumb and juvenile delinquents"; but prohibition does not apply to funds held by state for "educational purposes". (N.Y. VIII 9, 14.)
State money not to be given to or in aid of any corporation. (Del. VIII 4.)
State money not to be given to or in aid of any public corporation. (Colo. XI 2.)
No appropriation of public money to be made in aid of public service corporation. (Ariz. IX 10.)
Donations in aid of railroad or telegraph lines, forbidden. (Wyo. X Railroads 5.)
State money not to be given to or in aid of any private enterprise for construction of railroad. (N.M. IX 14.)
State not to be stockholder in bank. (Ala. XIII 253.)
Aid to Local Community
For loans of state's credit to or in aid of local community, See STATE DEBT — PURPOSE.
State never to pay any debt or liability of county, town, or city, unless incurred to repel invasion, suppress insurrection or provide for public welfare and defense. (Ark. XII 12.)
Legislature not to make or authorize gift of public money or thing of value to any municipal corporation, but this not to prevent legislature granting aid to institutions for support of children and aged persons. (Cal. IV 31.)
Legislature may extend aid for construction and maintenance of county highways. (Cal. IV 36.)
No appropriation of public money to be made in aid of counties or municipalities. (Del. VIII 4.)
Not to pay liabilities of any "public or other corporation". (Ill. IV 20.)
Funds of state not to be granted to or for any corporation "public or private". (La. 58.)
Legislature not to grant or authorize grant of public money or thing of value to municipal corporation; but this does not prevent grant of aid in case of public calamity. (Mo. IV 46.)
Except as otherwise provided in constitution, state not to make donation, directly or indirectly, to or in aid of pub-

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STATE FINANCES (*Cont'd*)

EXPENDITURES (*Cont'd*)

Purpose (*Cont'd*)

Aid to Local Community (*Cont'd*)

lic corporation; but this not to be construed to prohibit provision for care of sick and indigent persons. (N.M. IX 14.)

Legislature not to grant or authorize grant of aid to municipal corporation. Legislature especially authorized to aid in manner provided by law construction of sea walls or breakwaters in counties and cities on gulf in proportion to extent and value of such works constructed in any locality. (Tex. III 51, XI 8.)

Amount

See also APPROPRIATIONS — AMOUNT.

Comptroller to prepare and report estimates of expenditures. (Md. VI 2.)

No appropriation to be made or expenditure authorized by legislature whereby state expenditures during fiscal year shall exceed total tax then provided for by law and applicable to such appropriation or expenditure unless legislature, making such appropriation, provides for levying sufficient tax not exceeding limit of rate for state purposes to pay such appropriations or expenditures within such fiscal year; this does not apply to appropriations or expenditures to suppress insurrection, defend state or assist in defending United States in time of war. (Colo. X 16; Ida. VII 11; Mont. XII 12; Utah XIII 9.)

Legislative Authorization

No money to be drawn from treasury unless first appropriated by act of legislation. (Vt. II 27.)

No money to be drawn from state treasury by order or resolution. (Md. III 32.)

No money to be drawn from treasury but pursuant to appropriation made by act of legislature; but compensation of members and expenses of session of legislature may be paid from treasury pursuant to resolution. (Del. VIII 6.)

No money to be drawn from treasury without appropriation authorizing it. (Me. V Pt. IV 4.)

No money to be paid out of state treasury "except upon" appropriation by law. (Ala. IV 72; Colo. V 33; N.D. XII 186; Pa. III 16; S.D. XII 1; Wyo. XVI 7.)

No money to be drawn from treasury "but in consequence of" appropriation made by law. (Cal. IV 22; Iowa III 24; Nev. IV 19; N.C. XIV 3.)

No money to be drawn from treasury "except in pursuance of" appropriation by law. (Ariz. IX 5; Ark. XVI 12; Fla. IX 4; Ida. VII 13; Ill. IV 17; Ind. X 3; Ky. 230; Md. III 32; Mich. X 16; Minn. IX 9; Ore. IX 4; S.C. X 9; S.D. XI 9; Tenn. II 24; Va. XIII 186; W.Va. X 3; Wis. VIII 2.)

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STATE FINANCES (*Cont'd*)
EXPENDITURES (*Cont'd*)
Legislative Authorization (*Cont'd*)
No money to be drawn from the treasury "except in pursuance of specific appropriation" made by law. (Ark. V 29; Kan. II 24; La. 45; Mont. XII 10; Nebr. III 22; Ohio II 22; Tex. VIII 6.)
Legislature not to permit money to be drawn from treasury "except in pursuance of regular appropriations" made by law. (Mo. IV 43.)
No money to be paid out of treasury of state or any of its funds or any of the funds under its management except in pursuance of appropriation by law. (Mo. X 19; N.Y. III 21; Okla. V 55; Wash. VIII 4.)
No money to be drawn from treasury except by appropriation made by law. (Ga. III Sec. VII 11.)
No money to be drawn from treasury "but for appropriations made by law"; but does not refer to moneys deposited with state by United States. (N.J. IV Sec. VI 2.)
No money to be paid from treasury except on appropriation made by law, except interest on public debt. (Mont. V 34; Wyo. III 35.)
Money to be paid from treasury only on appropriation made by legislature except interest or other payments on the public debt. (N.M. IV 30.)
No money to be drawn from treasury (except that appropriated for redemption of debt and interest thereon) unless agreeable to acts of legislature. (N.H. II 55.)
Referendum
Women entitled to vote if having other qualifications of men and assessed for taxes in any part of district affected by proposed expenditure. (Mich. III 4.)
Warrant for
As to duty of treasurer to keep account and report information concerning warrants paid by him, See the title TREASURER.
No money to be drawn from treasury without warrant from governor and council. (Me. V Pt. IV 4.)
No moneys to be drawn from treasury (except that appropriated for redemption of debt and interest thereon) but by warrant of governor with consent of council. (N.H. II 55, 5.)
No moneys to be paid out of the treasury except sums appropriated "for redemption of bills of credit or treasurer's notes" or interest thereon without warrant of the governor with the advice and consent of the council, in accordance with the statutes. (Mass. Pt. II Ch. I Sec. I 4, Ch. II Sec. I 11.)
Not to be drawn on state treasurer except in pursuance of appropriation for specified purposes. (S.D. XI 9.)
Comptroller to grant warrants under regulations prescribed by law for payments out of treasury in pursuance of appropria-

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STATE FINANCES (*Cont'd*)

EXPENDITURES (*Cont'd*)

Warrant for (*Cont'd*)

tions. Treasurer to disburse state moneys according to law on warrants drawn by comptroller and on checks countersigned by him and not otherwise. (Md. VI 2, 3.)

No money to be paid out of the treasury without warrant drawn by proper officer. (N.M. IV 30; N.D. XII 186; S.D. XII 1.)

No money to be paid from treasury without warrant drawn by proper officer in pursuance of law. (Wyo. III 35, XVI 7.)

Payment from treasury forbidden except on warrant drawn by proper officer in pursuance of appropriation. (Ala. IV 72; Colo. V 25; Pa. III 16.)

No money to be paid from treasury except on warrant drawn by proper officer in pursuance of appropriation, except interest on public debt. (Mont. V 34.)

No money to be drawn from the treasury except on auditor's warrant drawn on appropriation made by law. (Ill. IV 17; W.Va. X 3.)

No money to be drawn from treasury except on warrant issued by auditor, on specified appropriation. (Nebr. III 22.)

No money to be drawn but upon warrants duly drawn by comptroller on appropriations made by law. (Cal. IV 22.)

Treasurer to "disburse no funds" except on order of comptroller countersigned by governor in manner prescribed by law. (Fla. IV 24.)

State treasurer to disburse state moneys only as directed by law and not to pay warrant or order for disbursement of public money until such warrant is registered in office of comptroller. (Conn. IV 17.)

Governor may draw on treasury for such sums as may be appropriated by legislature. (Vt. II 20.)

Payment — Checks

Comptroller to countersign treasurer's checks on banks in which state money deposited. (Md. VI 2.)

Receipts

Treasurer to take for all moneys paid by him. (Md. VI 3.)

Account of — Publication

Statement of all "payments" of state to be published as prescribed by law. (Conn. IV 21.)

Accurate and detailed statement showing amounts paid, to whom, and on what account, to be published as prescribed by law. (Ark. XIX 12; Kan. XV 5; Ohio XV 3.)

Accurate statement of to be published with session laws. (Cal. IV 22; Fla. III 19; Ind. X 4; Iowa III 18; Md. III 32; Mich. X 17; Nev. IV 19; Ore. X 5; S.C. X 8; Tenn. II 24.)

Regular statement and account of, to be published every three months and also with session laws. (Ga. III Sec. VII 11.)

Regular statement and account to be published every three months in manner prescribed by law. (La. 45.)

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STATE FINANCES (*Cont'd*)
EXPENDITURES (*Cont'd*)
Account of — Publication (*Cont'd*)
Regular statement and account of, to be published from time to time. (Mo. X 19.)
Regular account to be published annually in manner directed by law. (Ala. IV 72; Del. VIII 6.)
Accurate account to be annually published. (N.C. XIV 3.)
Accurate statement to be published annually in manner provided by law. (Ariz. IX 4; Utah XIII 6; Wash. VII 7.)
Regular statement and account of to be published at commencement of annual session of legislature. (Me. V Pt. IV 4.)
Regular statement under oath and account of, to be published annually in manner prescribed by law. (Tex. XVI 6.)
Complete and detailed statement of to be published annually. (W.Va. X 3.)
Accurate itemized statement of to be published annually in manner provided by legislature; and to be submitted to legislature by governor with his message at beginning each regular session. (S.D. XI 12, XII 4.)
Auditor within 60 days after adjournment to publish full statement of all money expended at session specifying items and amount of each and to whom and for what paid. (Ill. IV 17; Miss. IV 113; Nebr. III 22.)
Statement of all expenditures of state to be published as prescribed by law. (Conn. IV 21.)
Regular statement and account of to be published annually. (Ky. 230.)
Joint standing committee of legislature on abuse in expenditures to examine and report on all expenditures of public officers and all matters of alleged abuse in expenditures to which their attention called by resolution of either house. (Md. III 24.)
ACCOUNTS
As to duty of particular officer to keep accounts and to report, See that officer; as to duty of public officers generally to keep accounts and to report, See PUBLIC OFFICERS.
As to duty to keep account of public property, See PUBLIC PROPERTY — ACCOUNT OF.
For provisions requiring publication of accounts of receipts, funds and expenditures, See the specific subhead this title.
Form and Method of Keeping
Comptroller of accounts to "prescribe mode of keeping and rendering all public accounts"; legislature may prescribe manner of performance of his duties. (Conn. IV 19.)
Comptroller to decide on forms of keeping and stating. (Md. VI 2.)
Legislature to provide by law for the keeping of accounts by state officials, boards and institutions. (Mich. X 18.)

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STATE FINANCES (*Cont'd*)

ACCOUNTS (*Cont'd*)

Form and Method of Keeping (*Cont'd*)

System of accounts prescribed for by legislature to provide for "accurate records of all financial and other transactions and for checks upon all receipts and disbursements of all state officials, boards and institutions and shall be uniform for all similar boards, institutions and county officials". (Mich. X 18.)

"The legislature shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers of the executive department and all commissioners and superintendents and boards of control of state institutions and all other officers entrusted with the collection, receipt, custody or disbursement of the revenue or moneys of the state whatsoever." (Okla. V 60.)

State examiner and inspector to prescribe uniform system of bookkeeping for the use of state and of county treasurers. (Okla. VI 19.)

Legislature to require all money collected by taxes, fees, fines and public charges of every kind to be accounted for by system of accounting that shall be "uniform for each class of accounts, state and local, which shall be prescribed and audited by authority of the state". (Okla. X 30.)

Legislature to provide by law for establishment and maintenance of efficient system of checks and balances between officers at seat of government entrusted with collection, receipt, custody or disbursement of revenues of state. (Va. V 84.)

Commissioner of state hospitals for insane to be responsible for proper disbursement of all moneys appropriated or received from any source for maintenance of hospitals for insane and to cause to be established and maintained at all the hospitals a uniform system of keeping the records and accounts of money received and disbursed and of making reports thereof. (Va. XI 152.)

Custody

Comptroller to preserve all public accounts. (Md. VI 2.)

Audit and Examination

In General

Legislature to provide by law for supervision and audit of the accounts of all state officials, boards and institutions by "competent state authority". (Mich. X 18.)

Legislature to provide by law for monthy investigations into accounts of treasurer and auditor of public accounts. (Ky. 53.)

Treasurer's accounts to be annually audited. (Vt. II 26.)

Reports to Auditing Agency

Legislature to provide by law for uniform reports of all "public accounts" to "competent state authority" for audit thereof. (Mich. X 18.)

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STATE FINANCES (*Cont'd*)
ACCOUNTS (*Cont'd*)
Audit and Examination (*Cont'd*)
Reports to Auditing Agency (*Cont'd*)
Treasurer to submit to legislature on third day regular session "fair and accurate copies" of his accounts rendered and settled with comptroller. Comptroller to report to legislature "all his proceedings and the state of the treasury department" within 10 days after commencement of session. (Md. VI 4, 2.)
By Legislature
Governor to account to legislature for all state moneys paid out by him. (Ala. V 123; Colo. IV 8; Ida. IV 8; Ill. V 7; Mo. V 10; Mont. VII 10; Nebr. V 7; Tex. IV 9; W.Va. VII 6.)
And for all moneys received by him. (Ala. V 123; Ill. V 7; Mo. V 10; Nebr. V 7; W.Va. VII 6.)
Treasurer to settle accounts annually with legislature or joint committee thereof appointed at every biennial session. (Del. II 24.)
The lower house of legislature "may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, and appoint auditors to state and adjust the same"; may send for books, papers and persons and direct suit on bonds of state for breach thereof. (Md. III 24.)
Secretary of state as *ex-officio* auditor to assist legislature in annual examination and settlement of treasurer's accounts until otherwise provided by law. (N.J. VIII 1.)
Legislature at each regular session to appoint standing committee known as auditing committee, to examine annually or oftener in its discretion books and accounts of first auditor, state treasurer and other executive officers at seat of government "whose duties pertain to auditing or accounting for the state revenue"; committee may sit during recess, receive compensation provided by law and employ one or more accountants to assist in its investigations. (Va. IV 68.)
By Grand Jury
At least once a year grand jury to investigate official acts of officers having charge of public funds. (Mo. XIV 11.)
District court of county where seat of government located to appoint committee of grand jury or other reputable persons not exceeding five to investigate official accounts and affairs of treasurer and auditor. (Colo. XII 5.)
By Governor
Governor to examine quarterly or oftener if he deems expedient under oath, state treasurer and comptroller-general on all matters pertaining to their offices and inspect and

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STATE FINANCES (*Cont'd*)

ACCOUNTS (*Cont'd*)

Audit and Examination (*Cont'd*)

By Governor (*Cont'd*)

review his books and accounts. Legislature may provide for suspension and appointment of successor. (Ga. V Sec. I 18.)

Governor to examine semi-annually (or oftener if deemed expedient) under oath state treasurer and comptroller on all matters pertaining to their offices and inspect and review their bank and other account books. (Md. II 18.)

Governor, without notice to treasurer, to go to treasury and verify cash balances treasurer's books. (Miss. V 137.)

Governor to inspect books, vouchers and public funds of officers of executive department and of officers and managers of state institutions. (Tex. IV 24.)

Governor may inspect at any time official books, accounts and vouchers of officers of executive departments and superintendents of state institutions and ascertain condition of public funds in their charge and in that connection may employ accountants. (Va. V 74.)

By State Auditor

State auditor to be auditor of public accounts and perform duties required by law. (Utah VII 17; Wash. III 20.)

By Secretary of State

Secretary of state to be *ex-officio* auditor of public accounts. (Ore. VI 2.)

Secretary of state to be *ex-officio* auditor of until otherwise provided by law. (N.J. VIII 1.)

Secretary of state to be *ex-officio* auditor. (Wis. VI 2.)

By Comptroller

"Comptroller of public accounts to be *ex-officio* one of auditors of treasurer's accounts and to adjust and settle all public accounts and demands except grants and orders of the" legislature. Legislature may prescribe manner of performance of his duties. (Conn. IV 19.)

Comptroller to "examine, audit, adjust and settle the accounts of all officers of the state". (Fla. IV 23.)

Treasurer to render quarterly accounts to comptroller and at all times submit to comptroller "the inspection of the money in his hands". (Md. VI 4.)

By State Examiner

State examiner to examine books and accounts of such public officers, perform such duties and have such powers as prescribed by law. (Ariz. XXII 18.)

State examiner appointed by governor to examine the accounts of state treasurer, supreme court clerks, district court clerks, and all county treasurers, and treasurers of such other institutions as the law may require and perform other required duties. (Mont. VII 8; Wyo. IV 14.)

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STATE FINANCES (*Cont'd*)
ACCOUNTS (*Cont'd*)
Audit and Examination (*Cont'd*)
By State Examiner (*Cont'd*)
State examiner and inspector who must have had at least three years' experience as public accountant, to examine without notice to treasurer the books, accounts and cash on hand or in bank and of state and of counties at least twice each year. For purpose of such examination he shall take complete possession of treasurer's office. (Okla. VI 19.)
Report of Auditing Agency
Result of monthly investigations of accounts of treasurer and auditor of public accounts to be reported to governor and published semi-annually in two newspapers; governor to transmit reports to legislature at beginning of each session, "for scrutiny and appropriate action". (Ky. 53.)
Governor to publish fact that he has verified cash balances on treasurer's books and whether amount called for by books is actually in treasury and stating whether treasurer had notice that the verification would be made. (Miss. V 137.)
Auditor of public accounts to compile and have published full and complete report showing transactions of office before December 31st of each year for the preceding fiscal year. (Miss. IV 115.)
Grand jury to report in writing to court its investigation of acts of officers having charge of public funds. (Mo. XIV 11.)
State examiner to report at least once every year to officer designated by legislature his examination of accounts which he audits. (Mont. VII 8; Wyo. IV 14.)
State examiner and inspector to publish his report as to state and county treasurers' accounts once each year. (Okla. VI 19.)
Treasurer's accounts to be annually audited and "fair state thereof" laid before legislature at biennial session. (Vt. II 26.)
Legislative committee's report of its examination of the books and accounts of auditor, treasurer and other executive officers at seat of government to be made to governor and by him submitted to legislature at beginning each session, and to be published in two newspapers of general circulation in state. (Va. IV 68.)
Public Inspection
All public accounts and the audit thereof to be public records open to inspection. (Mich. X 18.)
Annual account and settlement by state officers for state funds received or disbursed to be recorded and open to examination of people at such convenient place as may be provided by law. (W.Va. VI 27.)

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STATE INSTITUTIONS

CHARITABLE, *See* CHARITIES.

EDUCATIONAL, *See* EDUCATION.

PENAL, *See* PENAL INSTITUTIONS.

ACCOUNTS

For audit and system of accounts, See STATE FINANCES — ACCOUNTS.

Boards of public institutions to render in writing, when required by governor, itemized accounts of receipts and expenditures, as part of report. (S.C. IV 14.)

Officers of public institutions of state to keep account of moneys received and make report thereof to governor under oath, annually and at such other times as governor may require. (N.M. V 9.)

Officers to keep account of all moneys received or disbursed from all sources and for every service performed; semi-annual report thereof to governor under oath; making false report to be perjury. (Ill. V 20; Nebr. V 21; W.Va. VII 17.)

Officers to keep accounts of moneys received from all sources and for every service performed and of all moneys disbursed by them; semi-annual report thereof to governor under oath. (Colo. IV 16; Ida. IV 17; Mont. VII 19.)

Officers and managers to keep accounts of all moneys and choses in action received and disbursed or otherwise disposed of by them from all sources and for every service performed; semi-annual report thereof to governor under oath. Person making false report to be guilty of perjury and removed from office. (Tex. IV 24.)

Legislature to provide for keeping of, by all state institutions, and for report to proper authority. (Mich. X 18.)

ADMINISTRATIVE AUTHORITY

Board of Commissioners of State Institutions composed of governor and administrative officers of executive department; to have supervision of all matters connected with such institutions in manner prescribed by law. (Fla. IV 17.)

Trustees now elected by legislature and trustees of institutions hereafter created, to be appointed by governor with advice and consent of senate; questions to be taken by yeas and nays and entered on journal; vacancies filled by governor till next session of legislature and until successor qualified. (Ohio VII 2.)

Boards now or hereafter established by law, legislature may authorize to hold office for six years; one-third elected or appointed every two years as legislature may provide, and vacancies filled as prescribed by law. (Tex. XVI 30a.)

Regents, trustees or commissioners of state institutions for public good to be appointed by governor with advice and consent of senate. (Wash. XIII 1.)

Boards of control as prescribed by law for institutions established by legislature for public good. (Utah XIX 2.)

BONDS FOR, *See* STATE DEBT — PURPOSE — PUBLIC BUILDINGS.

ESTABLISHMENT AND SUPPORT

Institutions required for public good to be established and supported by state in manner prescribed by law. (Ariz. XXII 15; Colo. VIII 1; Mont. X 1; Okla. XXI 1; Utah XIX 2.)

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STATE INSTITUTIONS (*Cont'd*)

ESTABLISHMENT AND SUPPORT (*Cont'd*)

Institutions required for public good to be fostered and supported by state, subject to regulations prescribed by law. (Wash. XIII 1.)

Institutions required for public good to be established and supported by state in manner prescribed by law; legislature for sanitary reasons may cause removal to more suitable localities. (Ida. X 1, 7.)

Legislature not to locate institutions other than those named in constitution, except under general laws and by vote of people. (Wyo. VII 23.)

All public institutions not located elsewhere prior to January 1st, 1907, to be located in county of seat of government except as otherwise provided by law ratified by electors at next general election by a majority of votes cast on question. (Ore. XIV 3.)

Various state institutions located at places named, each to have lands granted it by United States under act of Congress of February 22nd, 1889, to be disposed of and used as prescribed by law, subject to limitations of article on school and public lands; no other institution of similar character to be established or maintained without revision of constitution. (N.D. XIX.)

GRANTS TO

See PUBLIC LANDS — TRUSTS IN.

See PUBLIC PROPERTY — TRUSTS.

INVESTIGATION

Governor may, at any time, appoint committee to investigate and report to him upon condition of any state institution. (Ida. IV 8; Mont. VII 10; Utah VII 5.)

REPORTS

Legislature to make provision concerning annual or biennial reports of. (Me. Amend. 23.)

Officers to report to governor at least 10 days preceding each regular session of the legislature; transmitted to legislature by governor. (Ill. V 21; Kan. I 16; Nebr. V 22; W.Va. VII 18.)

Same; 20 days. (Colo. IV 17; Ida. IV 17; Mont. VII 19.)

Same; 30 days. (N.M. V 9.)

Boards of public institutions to report in writing, on subjects relating to concerns of institution, when required by governor. (S.C. IV 14.)

Superintendents to make reports in writing under oath, or subject relating to duties of institution when required by governor (Va. V 74.)

Officers and managers to make reports in writing, on subject relating to condition, management and expenses of office, when required by governor. (Utah VII 5.)

Same; oath required. (Colo. IV 8; Ida. IV 8; Ill. V 21; Mont. VII 10; W.Va. VII 18.)

Same; oath required; false report to be perjury. (Mo. V 22.)

Same; oath required; person making false report to be guilty of perjury and removed from office. (Tex. IV 24.)

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STATE INSTITUTIONS (*Cont'd*)

REPORTS (*Cont'd*)

Officers of state institutions, penal, eleemosynary, educational and industrial, to report in writing on subject relating to office when required by governor; making false report to be punished as prescribed by law. (Okla. VI 33.)

Officers and managers to make reports in writing under oath, on subject relating to condition, management and expenses of office and institution, when required by governor; failure to report or making false report is impeachable offense. (Ala. V 121.)

Officers and managers to make reports in writing under oath, on subject relating to condition, management, and expenses of office, when required by governor or by either house of legislature. (Nebr. V 22.)

Financial reports, *See also above, this title,* ACCOUNTS.

Officers to report to governor at least five days before each regular session of legislature. Governor transmits reports with message. (N.C. III 7; Ohio III 20.)

TERRITORIAL INSTITUTION

Institutions of territory to become institutions of state upon adoption of constitution. (Ida. X 4; Utah XIX 1.)

STATE LIBRARY, *See* LIBRARIES.

STATE PAPER

Legislature not to establish. (Mich. V 35.)

STATE PRINTING, *See* PUBLIC PRINTING.

STATE, SUITS AGAINST, *See* SUITS AGAINST STATE.

STATE TREASURER, *See* TREASURER.

STATE'S ATTORNEY, *See* PROSECUTING ATTORNEYS.

STATISTICS

Census, *See* CENSUS.

Legislature may provide for establishment of Board of Health and Vital Statistics. (Tex. XVI 32.)

Bureau of Vital Statistics to be established in connection with State Board of Health with powers prescribed by law. (Wash. XX 1.)

Legislature to establish Department of Agriculture, Immigration and Statistics, under such regulations as may best promote agricultural interests of state. (N.C. III 17.)

Bureau of statistics, agriculture and immigration to be established in office of secretary of state under regulations prescribed by law. (Wash. II 34.)

Bureau of Immigration, Labor and Statistics established under charge of commissioner appointed by governor with consent of senate to hold office for two years and until successor qualified, unless sooner removed. To collect information on subject of labor and report in writing to governor containing recommendations (1). To perform duties and receive compensation prescribed by law (8). (Ida. XIII 1, 8.)

Legislature may establish Bureau of Labor and Statistics under regulations to be prescribed by law. (Va. V 86.)

Bureau of Industrial Statistics to be in department of secretary of internal affairs. (Pa. IV 19.)

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STATISTICS (*Cont'd*)

Bureau of, may be established in office of secretary of state, under regulations to be prescribed by law. (Ohio XV 8.)

Legislature may provide for creation of commissioner of insurance, statistics and history, term of office, duties and salary to be prescribed by law. (Tex. XVI 38.)

Commissioner of Agriculture, Labor and Statistics established. (Ky. 91.)

STATUTES OF LIMITATIONS, *See* COURTS — LIMITATION OF ACTIONS.

STEAMSHIP COMPANIES

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all transportation companies, See TRANSPORTATION COMPANIES.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

Appeals from rates, classifications, orders, etc., of railroad commission to civil courts provided for, irrespective of amount. (La. 285.)

Corporate powers and privileges issued and granted to navigation companies by secretary of state, as prescribed by law, or by other person named by law if he is disqualified. (Ga. III Sec. VII 18.)

Free service or reduced rates not forbidden to state or local governments, charities, fairs, destitute or indigent persons, ministers or hospital inmates. (La. 287.)

Penalty for unlawful rates or violating orders of railroad commission, $100 to $500. (La. 286.)

Provision made in detail for organiaztion of steamship companies which, on compliance with enumerated provisions as to organization, conduct of business, etc., shall be exempt from all taxes and licenses, state and local, general and special, exclusive of wharfage, shed or levee dues, for 15 years. (La. 230.)

Rates controlled by railroad commission; greater charge for shorter than longer distance only with permission of commission. (La. 284.)

Rates fixed by railroad commission remain in effect until set aside; penalty payable state for each day sustained rate was suspended by suit. (La. 286.)

Right of eminent domain granted certain for acquiring land to erect plant to build and repair vessels. (La. 230.)

Taxation, *See* TAXATION — EXEMPTIONS — CORPORATIONS.

STREET RAILROADS

For provisions relating to all railroads, See RAILROADS.

For provisions relating to all transportation companies, See TRANSPORTATION COMPANIES.

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

Declared to be public utilities; control vested in railroad commission which may fix rates, when power to do so is conferred by legislature. (Cal. XII 23.)

May carry policemen and firemen on duty free. (Va. XII 161.)

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STREET RAILROADS (*Cont'd*)

Fellow-servant doctrine abolished as to any servants of common master; act applies to receivers. (Okla. IX 36.)

No street passenger railroad may be authorized to be constructed in incorporated town or city by local or special law. (La. 48.)

Legislature not to grant by local or special law right to lay down tracks except as prescribed by general law. (Miss. IV 90.)

Contract or agreement by ordinance with municipalities as to compensation for use of streets or alleys not annulled or interfered with by certain taxation provisions of constitution. (Va. XIII 177.)

Legislature not to pass law granting right to construct and operate street railroad on any public highway without necessity first acquiring the consent of local authorities having control of such highway; and franchises so granted not to be transferred without similar assent. (Mo. XII 20.)

No law to be passed by legislature granting right to construct and operate street railroads, without first obtaining consent of local authorities in control of streets or public places proposed to be occupied for any such or like purposes. (S.C. VIII 8.)

For consent of city, municipality, town, or village to construction and operation, See the subhead PUBLIC UTILITIES *under the specific title.*

Taxation

See TAXATION — OBJECTS AND KINDS OF TAXATION — CORPORATIONS.

See TAXATION — OBJECTS AND KINDS OF TAXATION — PUBLIC UTILITIES.

STREETS, *See* ROADS, *and references there given.*

SUBDIVISIONS OF STATE, *See* MUNICIPALITIES.

SUCCESSION, *See* DECEDENTS' ESTATES.

SUICIDES

Estates of shall descend as in cases of natural death. (Colo. II 9; Del. I 15; Ky. 21; Mo. II 13; N.H. II 88; Pa. I 19; Tenn. I 12; Tex. I 21; Vt. II 61.)

SUITS AGAINST STATE

For filing and audit of claims against state, See STATE FINANCES.

Limitation of actions, *See* COURTS — LIMITATION OF ACTIONS.

State never to be made defendant in any of its courts. (Ark. V 20.)

State never to be made defendant in any court of law or equity. (Ala. I 14; Ill. IV 26; W.Va. VI 35.)

May be brought according to regulations made by law. (Del. I 9.)

Suits may be brought against state in such manner and in such courts as prescribed by law. (Cal. XX 6; Ohio I 16; Tenn. I 17; Wyo. I 8.)

Same; adds "and in such cases". (N.D. I 22; Pa. I 11.)

State may sue and be sued, and legislature to provide by law in what manner and in what courts suits shall be brought. (Nebr. VI 22.)

Legislature shall direct by law in what manner and in what courts suits may be brought against state. (Ariz. IV Pt. II 18; S.D. III 27; Wash. II 26; Wis. IV 27.)

Same; "may" instead of "shall". (Ky. 231.)

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SUITS AGAINST STATE (*Cont'd*)

Legislature may provide by law in what manner claims against state may be established and adjusted. (S.C. XVII 2.)

Provision may be made by general law for bringing suit against state as to all liabilities originating after adoption of constitution. (Nev. IV 22.)

Provision may be made by general law for bringing suit against state as to all liabilities now existing or hereafter originating. (Fla. III 22.)

Provision may be made by general law for bringing suit against state as to all liabilities originating after or existing at time of adoption of constitution; but no special act, authorizing such suit to be brought or making compensation to person claiming damages against state, to be passed. (Ore. IV 24.)

Same; omits "or existing at time of". (Ind. IV 24.)

Highest court to have original jurisdiction of claims against state but decisions to be merely recommendatory. No process in nature of execution to issue thereon, but to be reported at next session of legislature for action. (Ida. V 10; N.C. IV 9.)

Whenever legislature authorizes suits against state, it shall provide in act that suit be instituted before district court at capital, that citation be served on governor and attorney-general, that highest court shall have appellate jurisdiction without regard to amount involved, that only object of suit and only effect of judgment shall be judicial interpretation of legal rights of parties for consideration of legislature in making appropriations; that burden of proof shall rest on plaintiff to show claim sued upon is legal and valid obligation of state incurred in strict conformity to law, not in violation of constitution of state or of United States and for valid considerations; and that all these things shall be declared by highest court before judgment is recognized for any purpose against state. (La. 192.)

Legislature not to pass law and governor or other state official not to enter into contract or agreement whereby state made party to any suit in court of this state or of United States, instituted to test validity of bonds or obligations pronounced illegal and void by legislature and constitutional amendments ratified by people on May 1st, 1877, or obligations created by state under laws passed during late war between states, or bonds, notes or obligations made and entered into during existence of such war, time for payment of which was fixed after ratification of treaty of peace. (Ga. VII Sec. XI 1.)

State officers or members of legislature not to receive fee or be engaged as counsel, agent or attorney in prosecution of claim against state. (Ore. XV 7.)

SUPERIOR COURTS, *See* COURTS — GENERAL TRIAL COURTS.

SUPPLIES FOR STATE, *See* PUBLIC CONTRACTS — SPECIAL CONTRACTS.

SUPREME COURTS

See COURTS — HIGHEST COURT.

See COURTS — GENERAL TRIAL COURTS.

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SURETY COMPANIES

For provisions relating to all corporations, See CORPORATIONS.

Duly organized and responsible foreign or domestic companies, lawfully doing business in state, may be sureties on bonds of state, county and municipal officers. (Fla. XVI 13.)

Where organized for purpose and authorized to do business in state, may be sureties on bonds of state, county and municipal officers. (Ark. XIX 21.)

SURROGATES, *See* COURTS — PROBATE COURTS.

SURVEYOR-GENERAL

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title PUBLIC OFFICERS.

ABOLITION OF OFFICE

In discretion of legislature. (Cal. V 19.)

CLERICAL ASSISTANTS

No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)

COMPENSATION

$5,000 to be in full for all services rendered in official capacity or employment during term of office. (Cal. V 19.)

Paid quarterly out of state treasury. (Nev. XVII 5.)

Increase or decrease prohibited during term for which elected; legislature may diminish compensation, but shall not have power to increase above sum fixed in constitution. (Cal. V 19.)

Fees or perquisites for performance of any official duty not to be received to own use. (Cal. V 19.)

Fees or perquisites for performance of duty connected with office or for performance of additional duty imposed by law not to be received to own use. (Nev. XVII 5.)

ELECTION

At same time and places and in same manner as governor. (Cal. V 17; Nev. V 19.)

IMPEACHMENT

For misdemeanor in office. (Cal. IV 18.)

POWERS AND DUTIES

As prescribed by law. (Nev. V 22.)

To be exercised and performed by secretary of internal affairs, subject to such changes as shall be made by law. (Pa. IV 19.)

QUALIFICATIONS

Any elector eligible. (Nev. V 19.)

Not to hold office of governor, lieutenant-governor, justice of highest court, treasurer, member of legislature or sheriff. (Vt. II 50.)

TERM OF OFFICE

Same as that of governor. (Cal. V 17; Nev. V 19.)

TAXATION

POWER TO TAX

Under this subhead are digested only those provisions which relate to the power of taxation in general. For provisions relating specifically to any form or object of taxation, See the specific subhead.

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TAXATION (*Cont'd*)

POWER TO TAX (*Cont'd*)

In General

"The state's ancient right of * * * taxation is herein fully and expressly conceded." (Ark. II 23.)

Declared "sovereign right, inalienable, indestructible is the life of the state and rightfully belongs to the people in all republican governments". Neither legislature nor any department established by constitution to "irrevocably give, grant, limit or restrain this right". Laws, grants, contracts or other acts to the contrary to be void. Right of taxation always to be under complete control of and revocable by state, notwithstanding any gift, grant or contract whatsoever by legislature. (Ga. IV Sec. I 1.)

"Paupers ought not to be assessed for the support of the government; but every person in the state, or person holding property therein, ought to contribute his proportion of public taxes for the support of the government, according to his actual worth in real or personal property; yet fines, duties or taxes may properly and justly be imposed or laid with a political view from the good government and benefit of the community." (Md. Bill of Rights XV.)

Specification of subjects and objects of taxation shall not deprive legislature of power to tax other subjects or objects consistent with principles of taxation fixed by constitution. (Ill. IX 2; Tex. VIII 17.)

Persons residing on Indian lands within this state to be subject to taxation. (Minn. XV 2.)

"Public charges of government or any part thereof may be raised by taxation." (N.H. II 6.)

"The burdens of the state ought to be fairly distributed among its citizens." (R.I. I 2.)

Levy of taxes to be under general laws. (Colo. X 3; Del. VIII 1; Ga. VII Sec. II 1; Ida. VII 5; Ky. 171; Mo. X 3; Mont. XII 11; Okla. X 14; Pa. IX 1; Tex. VIII 3; Va. XIII 168.)

Special or local legislation "to authorize or to regulate" levy of taxes forbidden. (Ky. 59.)

Manner, method and mode of levying taxes to be such as prescribed by law. (Ariz. IX 11.)

No tax to be levied except in pursuance of law. (Ariz. IX 3; Ark. XVI 11; Fla. IX 3; Kan. XI 4; N.D. XI 175; Ohio XII 5; Ore. IX 3; S.C. X 3; S.D. XI 8; Wash. VII 5; Wyo. XV 13.)

Taxes in force when this amendment adopted to remain in force in same manner and to same extent until otherwise provided by statute. (N.D. XI 176, 1914.)

Consent of People or Representatives

No tax or duty to be imposed without consent of people or their representatives in legislature. (Me. I 22; Ore. I 32; S.D. VI 17; Va. I 6; Wyo. I 28.)

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TAXATION (*Cont'd*)

POWER TO TAX (*Cont'd*)

Consent of People or Representatives (*Cont'd*)

People ought not to be taxed or subject to pay any "impost or duty" without consent of themselves or their representatives in legislature. (N.C. I 23.)

"No aid, charge, tax, burthen or fees ought to be rated, or levied, under any pretense, without the consent of the legislature." (Md. Bill of Rights XIV.)

"No subsidy, charge, tax, impost or duties ought to be established, fixed, laid or levied under any pretext whatsoever without the consent of the people or their representatives in the legislature." (Mass. Pt. I 23; S.C. I 7.)

No tax, subsidy, charge, impost or duty to be established, fixed, laid or levied without consent of people or their representatives in legislature or authority derived from legislature. (N.H. I 28.)

Limitations Upon

In General

"Duplicate taxation of property for the same purpose during the same year" prohibited. (Ida. VII 5.)

Laws "taxing retrospectively sales, purchases or other acts previously done" ought not to be passed. (N.C. I 32.)

Purpose

To be levied and collected for public purposes only. (Ariz. IX 1; Ky. 171; N.D. XI 176; Mo. X 3; Mont. XII 11; S.D. XI 2; Tex. VIII 3.)

To "be levied and collected for public purposes". (Minn. IX 1.)

To be levied for public purposes only, except that taxes may be levied when necessary to carry out provisions of constitution authorizing state to engage in occupation or business for public purposes. (Okla. X 14.)

Before law to raise tax is passed its purpose "ought to appear evident to the legislature to be of more service to community than the money would be if not collected". (Vt. Chap. 1 Art. IX.)

Taxing power to be exercised only to maintain state government and institutions, to educate children of state, to preserve public health, to pay principal and interest of public debt, to suppress insurrection, repel invasion or defend state in time of war, to provide pensions for Confederate veterans and their widows, to establish monuments on battlefields of Civil war, to maintain memorial hall for preserving relics of Civil war, and for levee purposes as provided in the constitution. (La. 227.)

No tax to be laid for aid to church, private or sectarian school. (Ariz. IX 10.)

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TAXATION (*Cont'd*)

POWER TO TAX (*Cont'd*)

Limitations Upon (*Cont'd*)

Purpose (*Cont'd*)

No person to be compelled to pay taxes for building or repairing place of worship or maintaining minister. (Ala. I 3.)

No person to be compelled to pay tithes, taxes or other rates for construction place of worship or maintenance of ministry. (Iowa I 3.)

No person to be compelled to pay "tithes, taxes or other rates" for support of minister of gospel or teacher of religion. (Mich. II 3.)

Legislature not to authorize religious society or people of and district to levy on themselves or others any tax for erection or repair of house of public worship or for support of any church or minister. (Va. IV 58; W.Va. III 15.)

No tax to be laid for aid to public service corporation. (Ariz. IX 10.)

Right of eminent domain not to be construed to "allow taxation or forced subscription for the benefit of railroads or any other kind of corporations other than municipal or for the benefit of any individual or association". (Ala. I 23.)

Not to be levied for the benefit of any "chartered company" of state nor for paying interest on bonds issued by such companies. (Fla. IX 7.)

Not to be levied for paying interest on bonds issued by counties or by corporations for specified purposes. (Fla. IX 7.)

Not to be levied for erection of state house prior to 1865. (Ore. XIV 2.)

Special or local legislation "authorizing public taxation for a private purpose" prohibited. (Minn. IV 33.)

Application of Proceeds

Limited to object stated in law imposing (Ariz. IX 3; Kan. XI 4; N.C. V 7; N.D. XI 175; S.C. X 3; S.D. XI 8; Wash. VII 5; Wyo. XV 13.)

Limited to purpose stated in law imposing. (Ohio XII 5; Ore. IX 3.)

Limited to purpose for which tax levied. (Ark. XVI 11.)

No tax levied and collected for one purpose shall be devoted to another purpose. (Ky. 180.)

Surrender of, Forbidden

"The power of taxation shall never be surrendered, suspended or contracted away." (Ariz. IX 1; Minn. IX 1; Okla. X 5.)

"Legislature shall never in any manner suspend or surrender power of taxation." (Me. IX 9.)

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TAXATION (*Cont'd*)

POWER TO TAX (*Cont'd*)

Surrender of, Forbidden (*Cont'd*)

Not to be surrendered or suspended by any grant or contract to which state is party. (Cal. XIII 6.)

Not to be surrendered or suspended by any grant or contract to which state or county or other municipal corporation is party. (N.D. XI 178; Wyo. XV 14.)

Not to be surrendered or suspended by any grant or contract to which state or any municipal corporation is party. (Mich. X 9.)

Power to tax corporations or corporate property not to be surrendered or suspended by any contract or grant to which the state is party. (Ark. XVI 7; Ga. VII Sec. II 5; Ky. 175; Mich. X 9; Pa. IX 3; S.D. XI 3, 13; Tex. VIII 4; Wash. VII 4.)

Power to tax corporations and their property never to be surrendered or abridged by any contract or grant to which state is party; but this subject to exception in favor of manufacturing and public utility enterprises. (Miss. VII 182.)

Power to tax corporations or their property, real and personal, never to be relinquished or suspended. (Colo. X 9; Ida. VII 8; Mont. XII 7.)

Power to tax corporations or corporate property not to be surrendered or suspended by act of legislature. (La. 228; Mo. X 2; Tex. VIII 4.)

No general or special law to surrender or suspend right and power of state or any political subdivision thereof to tax corporations and corporate property except as authorized by article on taxation. (Va. IV 64.)

Right to tax property of Illinois Central Railroad in accordance with charter of February 10, 1851, not to be released, suspended, modified, altered, remitted or in any way diminished or impaired by legislative or other authority. (Ill. Amend. 1870 — Ill. Central Railroad.)

Delegation of, Forbidden

Legislature not to delegate taxing power to individuals, private corporations or associations. (Ala. XI 212.)

Legislature not to delegate taxing power to any special commission, private corporation or association. (Mont. V 36.)

Investigation

State corporation commission may be charged with "investigation of the subject of taxation generally", and to recommend in annual report to governor such new or additional legislation in reference to the subject of taxation as it deems expedient or as required by law. (Okla. IX 19, 25.)

LAW AUTHORIZING

Contents

Every law imposing, continuing or reviving tax to distinctly state the tax, and not sufficient to refer to any other law to fix the tax. (Ariz. IX 9; Iowa VII 7; Mich. X 6; N.Y. III 24.)

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TAXATION (*Cont'd*)

LAW AUTHORIZING (*Cont'd*)

Contents (*Cont'd*)

Every law imposing, continuing or reviving a tax to specifically state tax, and no law to be construed as so stating tax which requires reference to any other law or any other tax. (Va. IV 50.)

Laws imposing, continuing or reviving a tax to distinctly state objects for which it shall be applied; and not sufficient to refer to any other law to fix such object. (Ariz. IX 9; Iowa VII 7; Mich. X 6; N.Y. III 24.)

Law authorizing tax to state "special object" to which to be applied. (N.C. V 7.)

Law imposing tax to state distinctly its object. (Ariz. IX 3; Ark. XVI 11; Kan. XI 4; N.D. XI 175; S.C. X 3; S.D. XI 8; Wash. VII 5; Wyo. XV 13.)

Law levying to state distinctly its purpose. (Ohio XII 5; Ore. IX 3.)

Every act of legislature or ordinance of county, city, town or municipal board or local legislative body levying tax shall specify distinctly purpose for which levied. (Ky. 180; Okla. X 19.)

Procedure on Passage

No tax to be laid except to raise means for payment of just debts of state, for defraying necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection except by majority of two-thirds of both houses of legislature. (Ark. V 31.)

No bill "providing for assessments of property for taxation" to become law except by vote of three-fifths of members of each house present and voting. (Miss. IV 70.)

Law authorizing tax or allowing any county, city or town to impose tax must be read "three several times" and pass "three several readings" on three different days and agreed to by each house and yeas and nays on second and third reading entered on journals. (N.C. II 14.)

On final passage in either house of bills imposing, continuing or reviving a tax question to be by yeas and nays duly entered on journals; and three-fifths of members elected to either house required for quorum. (N.Y. III 25.)

No bill which imposes, continues or revives tax shall be passed except by affirmative vote of majority of all members elected to each house; vote to be by yeas and nays and votes for and against entered on journal. (Va. IV 50.)

Two-thirds of members elected to legislature required for quorum to pass. (Vt. Ch. 2 Sec. 14.)

On passage any law imposing, continuing or renewing a tax question shall be on yeas and nays duly entered on the journal, and three-fifths of members elected to "such" (each) house required for quorum. (Wis. VIII 8.)

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TAXATION (*Cont'd*)

LAW AUTHORIZING (*Cont'd*)

Referendum

For referendum on bills levying taxes, See INITIATIVE AND REFERENDUM.

Legislature to provide by special laws for elections for imposition of special taxes. (La. 212.)

Legislature not to declare emergency in bills regulating taxation. (Ore. IX 1a.)

Election on levying special tax excepted from provision that no property qualification shall be required for any person to vote at elections. (Utah IV 7.)

OBJECTS AND KINDS OF TAXATION

Banks and Banking

See also below, this subdivision, STOCKS AND BONDS.

The moneyed capital, reserve, surplus, undivided profits and other property of unincorporated banks or bankers, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branch or agent of banks doing business outside of this state, shall be assessed and taxed to such banks or bankers by board of equalization in same manner and at same rate as provided by constitution as to shares of stock of incorporated banks; value to be determined by taking entire property invested in business together with reserve, surplus and undivided profits at full cash value and deducting assessed value of real estate other than mortgage interests therein owned by bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon such property except county and municipal taxes on real estate and except as otherwise provided in this section of the constitution. The word "banks" includes banking associations, savings and loan societies and trust companies, but not building and loan associations. (Cal. XIII 14 c.)

Legislature to provide for taxing "notes and bills discounted or purchased, moneys loaned and other property, effects or dues of every description (without deduction), of all banks now existing or hereafter to be created, and of all bankers; so that all property employed in banking shall always bear a burden of taxation equal to that imposed upon the property of individuals". (Kan. XI 2.)

All banks, banking associations, corporations or companies doing business in state but domiciled elsewhere, who in own name or through agents engage in state in business of loaning money or dealing in bills of exchange exclusively, to pay yearly license tax of $250 to state, and like tax to municipal or parochial corporation, and in addition to pay to state annual tax 2½ per cent. on gross interest earned on all money loaned, and like tax to municipal or parochial corporation, and to be subject to no other or further taxation by state or any political subdivision. (La. Amend. Act 31 of 1914.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Banks and Banking (*Cont'd*)

Legislature may make specific provision for taxation of banks and banking capital. Real property to be taxed as other real estate. (Miss. VII 181.)

Legislature to tax notes and bills discounted or purchased, moneys loaned and all other property, effects or dues, of every description, of all banks and bankers, so that all property employed in banking shall bear burden of taxation equal to that imposed on property of individuals. (Ohio XII 3; S.D. XI 4.)

Bonds, *See below, this subdivision,* STOCKS AND BONDS.

Building and Loan Associations

Legislature may impose privilege taxes on in lieu of all other taxes except on their real estate. (Miss. VII 181.)

Capitation Taxes, *See below, this subdivision,* POLL TAXES.

Corporations

See also below, this subdivision, "FRANCHISE TAXES", "GROSS REVENUE TAXES", "INCOME TAXES", "OCCUPATION TAXES", "PRIVILEGE TAXES". *For provisions relating specifically to various kinds of corporations, See above and below, this subdivision, the specific kind of business engaged in.*

Taxes upon railroads (including street railways whether operated in one or more counties), passenger and freight car companies operating upon railroads in this state, express, telegraph, telephone, gas, electric and insurance companies, banks, banking associations, savings and loan societies, trust companies, and franchises of all kinds shall be exclusively for state purposes. Word "companies" includes persons, partnerships, joint stock associations, companies and corporations. (*For further detailed provisions of this section, See above, this subdivision,* "BANKS", *and below, this subdivision,* "FRANCHISES", "INSURANCE", "PUBLIC UTILITIES" *and* "STOCKS AND BONDS".) The provisions of this section shall be self-executing and the legislature shall pass all laws necessary to carry it into effect and shall provide for valuation and assessment and prescribe the duties of state board of equalization and other officers in connection with its administration. The rates of taxation fixed in this section shall remain in force until changed by legislature by two-thirds vote of members elected to each house. The taxes shall become a lien on first Monday in March of each year and shall become due and payable on first Monday in July thereafter. Gross receipts and gross premiums shall be computed for year ending the 31st of December prior to levy of tax, and value of any property shall be fixed as of first Monday in March. Nothing in this section shall affect any tax levied or assessed prior to its adoption and all laws in relation to such taxes in force at time of its adop-

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Corporations (*Cont'd*)

tion shall remain in force until changed by legislature. Until 1918, the state shall reimburse any county sustaining loss of revenue by withdrawal of railroad property from county taxation. The legislature shall provide for reimbursement from general funds of any county to districts therein where loss is occasioned by withdrawal from local taxation of property taxed for state purposes only. No injunction shall ever issue to prevent collection of any tax levied under this section, but after payment action may be maintained in such manner as may be provided by law to recover any tax illegally collected. (Cal. XIII 14, 1st paragraph, f, g.)

Corporations, companies or associations organized or domiciled out of state but doing business in state may be taxed by mode different from that provided for home corporations or companies, provided that said different mode of taxation shall be equal and uniform as to all such corporations, companies or associations transacting same kind of business. (La. 242.)

Legislature at first session after adoption of constitution to provide for state and municipal taxation "upon the revenues accruing from business done in the state by all foreign corporations". (Md. III 58.)

Nothing contained in provisions respecting organization fees of corporations or fees for increase of capital stock to prohibit legislature levying further tax on corporate franchises. (Mo. X 21.)

Franchises and licenses to do business in the state, gross earnings and net income "to be considered in taxing corporations". (S.D. XI 2.)

Corporate Property

All corporations in state, or doing business therein, to be subject to taxation for state, county, school, municipal and other purposes on all real and personal property owned or used by them in territory of authority levying tax. (Colo. X 10; Ida. VII 8.)

"The property of all corporations for pecuniary profit shall be subject to taxation the same as that of individuals." (Iowa VIII 2.)

All corporate property except that of corporations authorized by legislature to construct canal across Florida peninsula to be subject to taxation unless held and used exclusively for religious, scientific, municipal, educational, literary or charitable purposes. (Fla. XVI 16.)

Legislature may provide by law for levy and collection of taxes on corporate property. (Mich. X 5.)

"The property of all private corporations for pecuniary gain shall be taxed in the same way and to the same extent as the

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TAXATION (*Cont'd*)
OBJECTS AND KINDS OF TAXATION (*Cont'd*)
Corporate Property (*Cont'd*)
property of individuals", but legislature may make specified provision for taxation of banks and banking capital. (Miss. VII 181.)
All corporations in state, or doing business therein, to be subject to taxation for state, county, school, municipal and other purposes on real or personal property owned or used by them and not exempted by constitution. (Mont. XII 7.)
"All real property and possessory rights to the same, as well as personal property in this state, belonging to corporations" to be subject to taxation same as property of individuals. (Nev. VIII 2.)
Property of all corporations "shall forever be subject to taxation" same as property of individuals". (Ohio XIII 4.)
Legislature to provide by general law for levying of taxes on corporate property "as near as may be by the same methods as are provided" for levying taxes on individual property. (S.D. XI 2; Wash. VII 3.)
Domestic Animals
Legislature may impose tax upon domestic animals destructive of other property. (Ga. VII Sec. II 1; S.C. X 1.)
Legislature may provide for payment of license fees on stock used for breeding purposes by general laws only, and may by general law delegate to counties, cities, towns and other municipal corporations power to impose and collect such taxes. (Ky. 181.)
Despite provisions for taxing in accordance with value legislature may impose *per capita* tax on such domestic animals as from nature and habits are destructive to other property. (Miss. IV 112.)
Donations, *See below, this subdivision,* INHERITANCE TAXES.
Excise Taxes
Legislature may provide for levy and collection of. (Ariz. IX 12; Ohio XII 10; Okla. X 12.)
Legislature may provide by general law only for payment of. (Ky. 181.)
Legislature may "impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever brought into, produced, manufactured or being within" the state. (Mass. Pt. II Ch. I Sec. I 4.)
Expositions
Legislature may tax in manner deemed proper despite prohibition of unequal tax rates on property of same species and value. (Ark. XVI 5.)
Express Interests or Business
Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Ferries

Legislature may tax in manner deemed proper despite prohibition of unequal tax rates on property of same species and value. (Ark. XVI 5.)

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Forest Land

Legislature to have full power "to prescribe for wild or forest lands such methods of taxation as will develop and conserve the forest resources of the state". (Mass. Amend. XLI.)

Franchise Taxes

Legislature may provide for levy and collection of. (Ariz. IX 12; Ohio XII 10; Okla. X 12.)

Legislature may tax franchises. (N.C. V 3.)

Constitution not to be construed to prevent legislature from providing tax based on. (Ky. 174; Utah XIII 12.)

Franchises subject to taxation for "public charges of government". (N.H. II 6.)

Legislature may tax by uniform and equal laws all privileges and franchises of persons or corporations. (W.Va. X 1.)

Legislature may tax persons or corporations owning or using franchises as provided by general law "uniform as to the class upon which it operates". (Ill. IX 1.)

Legislature may provide by general laws only for payment of license taxes on franchises and may by general law delegate to counties, cities, towns and other municipalities, power to impose and collect such taxes. (Ky. 181.)

Legislature to provide by general law for payment to state of franchise tax by corporations organized under laws of state to be in proportion to amount of capital stock. Strictly benevolent, educational or religious corporations not to be required to pay such tax. (Ala. XII 229.)

Legislature to provide by general law for payment to state of franchise tax by foreign corporations based on actual amount of capital employed in state. Strictly benevolent, educational or religious corporations not to be required to pay such tax. (Ala. XII 232.)

All franchises other than those provided for in this section shall be assessed at actual cash value in manner provided by law and shall be taxed at rate of 1 per cent. each year, which tax shall be exclusively for benefit of the state. All such franchises shall also be subject to taxation in manner provided by law to pay principal and interest of any outstanding bonded debt of any city, city and county, county, town, township or district at time of adoption of this section. Such taxes shall be deducted from the total amount paid in taxes for state purposes. (Cal. XIII 14 d, e.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Franchise Taxes (*Cont'd*)

Legislature may impose state franchise tax and in so doing may make such tax in lieu of taxes on other property in whole or in part of transportation, industrial or commercial corporations. When franchise tax imposed on corporation doing business in state, stock of such corporation not to be further taxed. (Va. XIII 170.)

General Property Tax, *See below, this subdivision,* PROPERTY.

Grain

Legislature may provide that grain grown within state and held therein in elevators, warehouses and granaries may be taxed at fixed rate. (N.D. Amend. VII Addenda to 176.)

Gross Revenue Taxes

See also above, this subdivision, CORPORATIONS.

Legislature may provide for levy and collection of. (Ariz. IX 12; Okla. X 12.)

Income Taxes

See also above, this subdivision, CORPORATIONS.

Legislature may provide for levy and collection of income tax, which may or may not be graduated. (Ariz. IX 12; Okla. X 12.)

"Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this state, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law." (Cal. XIII 11.)

Constitution not to be construed to prevent legislature from providing tax based on income. (Ky. 174; Utah XIII 12.)

Legislature may tax income but not when property from which it is derived is taxed. (N.C. V 3.)

Legislature may tax incomes. Tax may be uniform or graduated, and applied to such incomes as may be designated by law. Not less than 50 per cent. to be returned to city, village or township in which it originated. (Ohio XII 8, 9.)

Legislature may provide for graduated tax on incomes. (S.C. X 1.)

Legislature may tax income derived from stocks and bonds when not taxed *ad valorem.* (Tenn. II 28.)

Legislature may tax incomes of both natural persons and corporations other than municipal. (Tex. VIII 1.)

Legislature may levy on incomes in excess of $600 per annum. (Va. XIII 170.)

Legislature may levy taxes on incomes, which taxes may be "graduated and progressive", and "reasonable exemptions may be provided". (Wis. VIII 1.)

Indian Lands

Provisions of constitution exempting lands of United States not to prevent state taxing lands of Indians who have severed

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Indian Lands (*Cont'd*)

tribal relations and obtained from the United States or any person by patent or grant title to such land. (Mont. Ord. No. 1 (2); S.D. XXII (2), XXVI 18 (2); Utah III (2); Wash. XXVI (2).)

Exemption of property of United States not to preclude state from taxing as other lands and property are taxed, lands and other property outside reservation owned or held by Indians. (Ariz. XX Fifth; N.M. XXI 2.)

Nothing in this article of constitution shall preclude state taxing land owned by Indian who has severed tribal relations and has received from United States or any person title to such lands. (N.D. XVI 203 (2); Wyo. Ord. 3.)

Inheritance Taxes

Legislature may levy not more than 2½ per cent. of value of estates, real and personal, money, public and private, securities of every kind in state, passing by intestate laws or will or other instrument effective after death of grantor to persons or corporations in trust or otherwise other than to or for the use of father, mother, husband, wife, brothers, sisters, children or lineal descendants of grantor, devisor, donor, testator or intestate. (Ala. XI 219.)

Legislature may provide for levying and collection of legacy and succession taxes, graduated legacy and succession taxes, collateral and direct inheritance taxes and graduated collateral and direct inheritance taxes. (Ariz. IX 12; Okla. X 12.)

Legislature may levy, solely for support of public schools, tax upon inheritances, legacies and donations, provided no direct inheritance or donation to an ascendant or descendant below $10,000 to be taxed, provided further no such tax to exceed 3 per cent. on direct inheritances and donations to ascendants or descendants, or 10 per cent. on collateral inheritances or donations to collaterals or strangers. Bequests to educational, religious or charitable institutions to be exempt, and the tax not to be enforced when the property donated or inherited has borne its just proportion of taxes prior to such time. (La. 235, 236.)

Property passing by will or inheritance subject to taxation for "public charges of government". (N.H. II 6.)

Legislature may provide for taxing right to receive and succeed to estates. Collateral and direct inheritances may be taxed at different rates. Tax may be uniform or so graduated as to tax at higher rate right to receive estates of larger value than that applied to small estates. Not less than 50 per cent. of tax to be returned to city, village or township in which it originated. (Ohio XII 7, 9.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Inheritance Taxes (*Cont'd*)

"No inheritance tax shall be charged directly or indirectly against any legacy or devise made according to law for the benefit of any institution or other body or natural or corporate person whose property is exempt from taxation as hereinbefore mentioned in this section." (Va. XIII 183.)

Insurance

Every insurance company doing business in state shall annually pay to state a tax of 1½ per cent. upon gross premiums received upon its business done in this state less return premiums and reinsurance in companies authorized to do business in this state. There shall be deducted from the tax the amount of any county and municipal taxes paid by the company on real estate owned by it in this state. This tax shall be in lieu of all other taxes and licenses except county and municipal taxes on real estate and except as otherwise in this section provided, provided that whenever any taxes, etc., are imposed in any state or county upon companies of this state doing business therein in excess of such taxes, etc., imposed upon insurance companies of such other state or country, the legislature may impose the same obligations and prohibitions upon insurance companies of such other state or country doing business in this state. All such companies shall be subject to taxation as provided by law to pay principal and interest of any outstanding bonded debt of any city, city and county, county, town, township or district at the time of the adoption of this section. Taxes so paid shall be deducted from total amount paid for state purposes. (Cal. XIII 14, b, e.)

Legislature may tax insurance interest and business in such manner as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Domestic insurance companies not to be required to pay greater tax in aggregate than required of foreign companies doing business in the state "except to the extent of the excess of their *ad valorem* tax over the privilege tax imposed upon such foreign companies". (Miss. VII 181.)

Agreement to pay all taxes which may be imposed by law to be condition of right of foreign insurance companies to do business in state; refusal to pay such taxes to work forfeiture of license to do business. Until otherwise provided by law such companies, including surety and bonding companies, to pay annual tax of 2 per cent. on premiums collected in state after all cancellations are deducted, and also to pay tax of $3 on each local agent. These provisions not to apply to specified insurance organizations not conducted for profit and insuring only their members. (Okla. XIX 1, 2, 3.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Irrigation Systems

Ditches, canals, reservoirs, pipes and flumes owned and used exclusively by individuals or corporations for irrigating their own or their members' lands not to be separately taxed so long as so owned and used. (Colo. X 3; Utah XIII 3.)

Legacy Taxes, *See above, this subdivision,* INHERITANCE TAXES.

License Taxes

See also above, this subdivision, CORPORATIONS.

Legislature not to enact law permitting any person, association or corporation to pay privilege, license or other tax to state and relieve him or it from the payment of all other privilege or license taxes in the state. (Ala. XII 221.)

Legislature may provide for levy and collection of license taxes. (Ariz. IX 12; Okla. X 12.)

Legislature may provide for levying tax on licenses. (Fla. IX 5.)

Legislature may impose upon person or corporation (other than municipal) doing business in this state. (Ida. VII 2.)

Legislature may provide by general laws only for payment of license fees on franchises, stock used for breeding purposes and trades, occupations and professions, and may by general law delegate to counties, cities, towns and other municipal corporations power to impose and collect such taxes. (Ky. 181.)

Constitution not to be construed to prevent legislature from providing tax based on licenses. (Ky. 174; Utah XIII 12.)

Legislature may levy license tax which shall be graduated as to persons pursuing trades, professions, vocations and callings. All persons, associations and corporations pursuing any trade, profession, business or calling may be made liable, except clerks, laborers, clergymen, school teachers, those engaged in mechanical, agricultural or horticultural pursuits and manufacturers other than of distilled alcoholic or malt liquors, tobacco, cigars and cotton seed oil. As to those engaged in severing natural resources from soil or water, tax may either be graduated or fixed according to quality or value of product at place where severed. Except as to dealers in distilled alcoholic or malt liquors no political corporation to impose greater license tax than is imposed by legislature for state purposes. Legislature may provide that municipalities levying license tax equal in amount to those levied by police juries for parochial purposes shall be exempt from payment of such parochial license tax. (La. 229.)

Legislature may impose license tax on persons and corporations doing business in the state. (Mont. XII 1.)

License or privilege tax imposed by cities or towns to be graduated so as to secure just imposition of such tax on classes subject thereto. (S.C. VIII 6.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

License Taxes (*Cont'd*)

Legislature may levy license tax on any business which cannot be reached by "*ad valorem* system". (Va. XIII 170.)

Mines and Mining

Machinery and all property and surface improvements upon or appurtenant to mines which have value separate and independent of such mines, and net annual proceeds of all mines and mining claims to be taxed as provided by law. (Mont. XII 3.)

Machinery and all property and surface improvements upon or appurtenant to mines which have value separate and independent of such mines, and net annual proceeds of all mines and mining claims to be taxed by state board of equalization. (Utah XIII 4.)

Mines containing mineral deposits to be taxed by state at price paid to United States by purchasers, unless surface used for and has independent value for other purpose, in which case such surface shall be taxed at its value for such other purposes as provided by law. (Mont. XII 3; Utah XIII 4.)

When mines and mining claims are "not patented" proceeds alone shall be assessed and taxed; "each patented mine" shall be assessed at not less than $500, except when $100 in labor has been actually performed on such patented mine during the year, in addition to tax on net proceeds. (Nev. X 1.)

Legislature may tax production of coal, oil, gas and other minerals. (Ohio XII 10.)

Products of mines and mining claims alone to be taxed. (S.C. X 1.)

"All mines and mining claims from which gold, silver and other precious metal, soda, saline, coal, mineral, oil or other valuable deposit is or may be produced, shall be taxed in addition to the surface improvements and in lieu of taxes on the lands, on the gross product thereof as may be prescribed by law, provided that the product of all mines shall be taxed in proportion to the value thereof." (Wyo. XV 3.)

Moneys and Credits

Legislature to tax. (Ohio XII 2.)

Legislature to tax by uniform rule. (N.C. V 3.)

Legislature to provide for taxing. (S.D. XI 4.)

Occupation Taxes

In General

Legislature may provide for payment of license fees on various trades, occupations and professions by general laws only, and may by general law delegate to counties, cities, towns and other municipalities power to impose and collect such taxes. (Ky. 181.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Occupation Taxes (*Cont'd*)

In General (*Cont'd*)

Legislature may tax trades and professions. (N.C. V 3.)

Legislature may provide for graduated license on occupations and business. (S.C. X 1.)

Legislature may impose occupation taxes both upon natural persons and upon corporations other than municipal doing business in state, except that persons engaged in mechanical or agricultural pursuits shall not be required to pay an occupation tax. Such tax levied by any county, city or town shall not exceed one-half of tax levied by state for same period on such profession or business. Such taxes shall be equal and uniform upon same class of subjects within limits of authority levying tax. (Tex. VIII 1, 2.)

Constitution not to be construed to prevent legislature from providing tax based on occupations. (Utah XIII 12.)

Legislature may levy taxes on occupations; which taxes may be "graduated and progressive", and "reasonable exemptions may be provided". (Wis. VIII 1.)

Auctioneers

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Brokers

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Grocery Keepers

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1.)

Hawkers

Legislature may tax in manner deemed proper despite prohibition of unequal tax rates on property of same species and value. (Ark. XVI 5.)

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Innkeepers

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Jugglers

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Occupation Taxes (*Cont'd*)

Liquor Dealers

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Merchants

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1.)

Legislature may tax commission merchants as provided by general law uniform as to the class upon which it operates. (Ill IX 1; Nebr. IX 1.)

Legislature may tax in such manner as from time to time directed. (Tenn. II 28.)

Peddlers

Legislature may tax in manner deemed proper despite prohibition of unequal tax rates on property of same species and value. (Ark. XVI 5.)

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Legislature may tax in such manner as from time to time directed. (Tenn. II 28.)

Showmen

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Vendors of Patents

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Poll Taxes

Authority and Amount

Tax to be $1.50 on each male inhabitant of state over 21 and under 45 not exempt by law at time adoption constitution. Legislature may increase maximum age to not more than 60. (Ala. VIII 194.)

Legislature to provide annual per capita tax of $1 assessed on every male inhabitant over 21 years of age. (Ark. XIV 3.)

Legislature shall provide for levying and collecting capitation tax from every male citizen 21 and upward. To be uniform throughout county. (Del. VIII 5.)

Legislature may provide for levying special capitation tax not to exceed $1 a year. (Fla. IX 5.)

Not to exceed $1 annually. (Ga. VII Sec. II 3.)

Legislature may impose per capita tax. (Ida. VII 2; Tex. VIII 1.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Poll Taxes (*Cont'd*)

Authority and Amount (*Cont'd*)

Legislature may authorize counties, cities and towns to levy not exceeding $1.50 poll tax. (Ky. 180.)

Annual poll tax of $1 "is hereby imposed" on every male resident between 21 and 60 years of age. Legislature to levy annual poll tax of $1 on every male inhabitant between 21 and 60 years of age. (La. 198, 231.)

"Public expenses shall be assessed on polls (and estates)." (Me. IX 7.)

Legislature may tax "inhabitants of and persons resident" in the state; to be proportional and reasonable. (Mass. Pt. II Ch. I Sec. I 4.)

A uniform tax of $2 hereby imposed on every male inhabitant of state between 21 and 60 except persons deaf and dumb or blind or who are maimed by loss of hand or foot. County supervisors may increase tax in their county but entire poll tax not to exceed $3. (Miss. XII 243.)

Legislature to provide for payment of annual poll tax not less than $2 nor more than $4 by each male resident between 21 and 60, except uncivilized American Indians. (Nev. II 7.)

Polls shall be subject to taxation for "public charges of government". (N.H. II 6.)

Legislature to levy capitation tax equal to tax on property of value of $300 in cash and not to exceed $2 for state and county combined, on every male inhabitant over 21 and under 50. County commissioners may exempt "in special cases on account of poverty and infirmity". (N.C. V 1.)

Legislature may provide for levy, collection and disposition of not more than $1.50 annual poll tax on every male inhabitant of state over 21 and under 50, except paupers, idiots, insane persons and Indians not taxed. (N.D. XI 180.)

Legislature may authorize levy and collection of poll tax on all electors of state under 60, not to exceed $2 per capita per annum. (Okla. X 18.)

Every person, who if registered would be entitled to vote, to be assessed by assessor of towns and cities in the sum of $1 or so much as with their other taxes will amount to $1. To be remitted for year in which military duty is performed; also on application to be remitted to any mariner for year spent at sea, or to any person who by reason of extreme poverty is unable to pay. (R.I. Amend. VII 2.)

Annual poll tax of $1 to be assessed on all taxable polls between ages of 21 and 60 excepting Confederate soldiers above 50 years of age. (S.C. XI 6.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Poll Taxes (*Cont'd*)

Authority and Amount (*Cont'd*)

Male citizens over 21, except exempted for age or other infirmity, liable to not less than 50 cents nor more than $1 annual poll tax. Counties and municipal corporations not to levy poll tax exceeding in amount that levied by state. Male citizens over 21 to be subject to payment of poll taxes. (Tenn. II 28, IV 1.)

Legislature to levy state capitation tax not exceeding $1.50 per year on every male resident not less than 21, except those pensioned by state for military services, and may authorize boards of supervisors of counties and councils of cities and towns to levy in addition a tax not exceeding $1 per annum for every male resident of 21 years of age within their respective limits. (Va. XIII 173.)

Legislature may levy annual capitation tax of $1 on each male inhabitant over 21 years; persons afflicted with bodily infirmity may be exempted from this tax. (W.Va. X 2.)

Each county to levy annual tax of $2 on each person between ages of 21 and 50. (Wyo. XV 5.)

Purpose and Application of Proceeds

To be applied to support of public schools in counties where collected. (Ala. XIV 259.)

For support of common schools. (Ark. XIV 3.)

Limited to county in which collected. (Del. VIII 5.)

To go into school fund, and be applied exclusively to common school purposes. (Fla. VI 8; IX 5.)

Not to be levied except for educational purposes. To go into school fund. (Ga. VII Sec. II 3, VIII 3.)

To be applied exclusively to the maintenance of public schools in the parish in which collected and to be accounted for and paid by collecting officer directly to treasurer of local school board. (La. 231, 252.)

Limited to aid of common schools. (Miss. XII 243.)

To be applied to "education and support of poor" but not more than 25 per cent. in any one year for support of poor. (N.C. V 2.)

To be expended for maintenance and betterment of public roads. (Nev. II 7.)

To be paid into treasury of town or city and applied to support of schools. (R.I. Amend. VII 2.)

To be applied to school purposes in district where collected. (S.C. XI 6.)

State taxes from polls to be appropriated to educational purposes. (Tenn. XI 12.)

One-fourth of poll tax to be appropriated annually for free public schools. (Tex. VII 3.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Poll Taxes (*Cont'd*)

Purpose and Application of Proceeds (*Cont'd*)

Of state tax $1 to be applied exclusively to public free schools in proportion to school population; and remaining 50 cents to be returned and paid by state to treasury of county or city in which collected, to be appropriated by proper county or city authorities to county or city purposes as they shall determine. Local tax to be applied in aid of public schools or for such other city, county or town purposes as council or board of supervisors may determine. (Va. XIII 173.)

To be annually appropriated to support of free schools. (W.Va. X 2.)

County poll tax to be applied to county school purposes. (Wyo. XV 5.)

Collection and Payment

To be due October 1st annually and become delinquent February 1st next succeeding, but no legal process, fee, or commission to be allowed for collection and tax collector to make returns separately from other collections. (Ala. VIII 194.)

Tax to be a lien only upon taxable property and no criminal proceedings to be allowed to enforce collection. (Miss. XII 243.)

Legislature may provide penalty for non-payment. (Okla. X 18.)

Legislature to provide by law for collection and remission; but compulsory process forbidden. (R.I. Amend. VII 2.)

Not to be enforced by legal process until "three years past due". (Va. II 22.)

Treasurer of each county and city to file list of persons who have paid poll tax; clerk of circuit court to forward certified copy of such lists as corrected to auditor of public accounts who shall charge full amount thereof to treasurer unless previously accounted for. (Va. II 38.)

Not to be lien upon nor collected by legal process for personal property exempt from levy or distress under poor debtor's law. (Va. XIII 173.)

Prohibition of

Not to be levied or collected. (Cal. XIII 12; Ore. IX 1 a.)

Poll taxes to be lien only on assessed property, and no process to issue for enforcement except against assessed property. (La. 198.)

"The levying of taxes by the polls is grievous and oppressive and ought to be prohibited." (Md. Bill of Rights XV.)

Not to be levied nor shall any service be required which may be commuted in money or other valuable thing. (Ohio XII 1.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Poll Taxes (*Cont'd*)

Prohibition of (*Cont'd*)

Not to be levied for payment of debts incurred by majority vote of qualified taxpaying electors of cities or incorporated towns upon persons debarred from voting at election incurring said indebtedness. (Tex. VI 3.)

Privilege Taxes

Legislature not to enact law permitting any person, association or corporation to pay privilege license or other tax to state and relieve him or it from the payment of all other privilege taxes in state. (Ala. XII 221.)

Legislature may tax privileges in manner deemed proper despite prohibition of unequal tax rates on property of same species and value. (Ark. XVI 5.)

Legislature may tax persons or corporations owning or using privileges, as provided by general law "uniform as to the class upon which it operates". (Ill. IX 1.)

Legislature may tax privileges in such manner as from time to time directed. (Tenn. II 28.)

Legislature may tax by uniform and equal laws all privileges and franchises of persons or corporations. (W.Va. X 1.)

Legislature may levy taxes on privileges; which taxes may be "graduated and progressive", and "reasonable exemptions may be provided". (Wis. VIII 1.)

Production Taxes

See also above, this subdivision, MINES AND MINING.

Legislature may provide for levy and collection of. (Ariz. IX 12; Okla. X 12.)

Property

See also below, this title, ASSESSMENT — IN GENERAL.

Of corporations, *See above, this subdivision,* CORPORATE PROPERTY.

All property not exempt under laws of United States, this constitution or laws passed under its provisions authorizing exemption "shall be subject to taxation to be ascertained as provided by law". (Ariz. IX 2.)

All property in state, except as otherwise provided by constitution, not exempt under laws of United States to be taxed in proportion to value; "property" to include "moneys, credits, bonds, stocks, dues, franchises and all other matters and things real, personal and mixed, capable of private ownership". (Cal. XIII 1.)

Legislature to levy taxes by valuation "so that every person and corporation shall pay a tax in proportion to the value of his, her or its property"; value to be ascertained by persons elected or appointed as the legislature directs "and not otherwise". (But this does not apply to taxes on listed occupations, licenses and franchises.) (Ill. IX 1.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Property (*Cont'd*)

All property whether owned by natural persons or corporations to be taxed in proportion to value unless exempted by constitution. (Ky. 174.)

"Public expenses shall be assessed on (polls and) estates." (Me. IX 7.)

Legislature may tax "estates lying" within the state; to be proportional and reasonable. (Mass. Pt. II Ch. I Sec. I 4.)

Taxes to be levied on such property as shall be prescribed by law. (Mich. X 3.)

"Property shall be taxed in proportion to its value." (Miss. IV 112; Mo. X 4.)

"Property" declared to include "moneys, credits, bonds, stocks, franchises and all matters and things (real, personal and mixed) capable of private ownership"; but this not to be construed to authorize taxation of stocks of corporation when property of such corporation represented by such stocks is within state and has been taxed. (Mont. XII 17.)

Legislature to levy "tax by valuation so that every person and corporation shall pay a tax in proportion to the value of his, her or its property and franchises". (Nebr. IX 1.)

Legislature to tax real and personal property by uniform rule. (N.C. V 3.)

Legislature authorized to impose and levy "proportional and reasonable assessments, rates and taxes" upon "all estates" within state. Estates and other classes of property subject to taxation for public charges of government. (N.H. II 5, 6.)

"Taxes levied upon tangible property shall be in proportion to the value thereof." (N.M. VIII 1.)

Legislature to tax real and personal property according to its true value in money. (Ohio XII 2.)

"All property, real, personal or mixed, shall be taxed" according to its value, but legislature may "except" specified property. (Tenn. II 28.)

All property in state, whether owned by natural persons or corporations other than municipal, shall be taxed in proportion to its value. (Tex. VIII 1.)

"All property subject to taxation shall be taxed in proportion to its value." (S.C. I 6.)

"All property in the state" not exempt under laws of United States or under this constitution, subject to taxation in proportion to its value. (Utah XIII 2; Wash. VII 1; W.Va. X 1.)

"Property" includes "moneys, credits, bonds, stocks, franchises and all things (real, personal and mixed) capable of private ownership." (Utah XIII 2.)

All property except as provided by the constitution to be taxed. (Va. XIII 168.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Property (*Cont'd*)

Taxes shall be levied on such property as legislature prescribes. (Wis. VIII 1.)

Public Utilities

See also above, this subdivision, "CORPORATIONS", "CORPORATE PROPERTY"; *and below, this subdivision,* RAILROADS.

All railroads (including street railways whether operated in one or more counties), passenger and freight car companies operating upon railroads in this state, express, telegraph, telephone, gas or electric companies shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property or any part thereof used exclusively in their business in this state, computed on gross receipts from operation within the state. When such companies are operating partly within and partly without the state, the gross receipts within the state shall be all receipts on business beginning and ending within the state and a proportion of receipts on all business passing through, into or out of the state based upon the proportion of mileage within the state to the entire mileage over which such business is done. Tax on railroads including street railways shall be 4 per cent.; on all car companies 3 per cent.; on all express companies 2 per cent.; on telegraph and telephone companies 3½ per cent.; on gas and electric companies 4 per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, except as in this section otherwise provided, but nothing shall be construed to release any such company from the payment of any amount agreed or required to be paid for any special privilege or franchise granted by any municipal authority in this state. All such property shall be subject to taxation in manner provided by law to pay principal and interest of any outstanding, bonded debt of any city, city and county, county, town, township or district at the time of the adoption of this section; such taxes shall be deducted from total amount paid in taxes for state purposes. (Cal. XIII 14 a, e.)

Legislature may provide for levy and collection by state board of assessors of taxes on property "by whomsoever owned, operated or conducted, engaged in the business of transporting passengers and freight, transporting property by express, operating any union station or depot, transmitting messages by telephone or telegraph" or loaning, running or operating cars in any manner upon railroads or engaged in any other public service or business. (Mich. X 5.)

All railroad, express, canal, telegraph and other corporations engaged in transportation or in transmission of intelligence for hire "are common carriers" and subject to taxation as such. (S.C. IX 3.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Public Utilities (*Cont'd*)

Each railway or canal corporation, including any which is exempt from taxation as to its works, visible property, or profits, shall also pay an annual state franchise tax of 1 per cent. upon its gross receipts, which, with the state and local property taxes provided for in section 176, shall be in lieu of all other taxes or license charges upon its franchise, shares of stock and property; provided that nothing shall exempt such corporation from annual fee required by section 157, or from assessment for local improvements authorized by section 170, or annul or interfere with any contract between street railways and municipalities as to compensation for use of streets or alleys. (Va. XIII 177, 178.)

When road or canal lies partly without this state or is operated as part of a system extending beyond state, gross receipts taxable shall be apportioned on a basis of the average receipts per mile over whole extent within or without state, provided that reasonable deduction may be made for any excess of value of terminal facilities in other states. (Va. XIII 178.)

Each corporation shall annually, on September 1st, make to state corporation commission report required by law, in force January 1, 1902, to be made to board of public works, which shall show the total gross receipts for year ending June 30th preceding. Upon receipt of report state corporation commission, after 30 days' notice, as provided by said law, shall ascertain amount of franchise tax. All taxes shall be paid by December 1st following and until paid shall be a lien upon property within this state of the corporation, and take precedence over other lines and incumbrances. (Va. XIII 179.)

Corporations may appeal in same manner as provided for appeal from assessment. (*See below, this title,* ASSESSMENT — APPEALS.) (Va. XIII 180.)

After January 1, 1903, the system of taxation of railway and canal corporations shall be as set forth in sections 176–180 inclusive (property and franchise taxes), and such system shall so remain until January 1, 1913, and thereafter until modified or changed as may be prescribed by law, provided that if for any reason such system becomes inoperative the general assembly may adopt another system. (Va. XIII 181.)

Railroads

See also above, this subdivision, "CORPORATIONS", "CORPORATE PROPERTY", "PUBLIC UTILITIES":

Existing law respecting taxation of railroad property continued until otherwise provided; but nothing in constitution to be construed to prevent legislature from providing by law how railroad and railroad property shall be assessed and how taxes thereon shall be collected. (Ky. 182.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Railroads (*Cont'd*)

Law heretofore or hereafter enacted providing that railroad company existing in state or operating road therein "shall in lieu of all other taxes and assessments upon their real estate, roads, rolling stock and other personal property at and during the time and periods therein specified, pay into the treasury of this state a certain percentage therein mentioned of the gross earnings of such railroad companies"; not to be repealed or amended unless by law for that purpose adopted and ratified by a majority of state electors voting at election at which submitted. (Minn. IV 32.)

Nothing in constitutional provision respecting uniformity of and exemptions from taxation to be construed "to affect, modify or repeal any existing law providing for the taxation of" gross earnings. (Minn. IX 1.)

"All railroad corporations in this state or doing business therein" subject to taxation for state, county, school, municipal and other purposes on real and personal property owned or used by them and on gross earnings, net earnings, franchises and capital stock. (Mo. X 5.)

Rolling stock and other movable property belonging to railroad company or corporation in state to be considered personal property and liable to taxation same as personal property of individuals. (Utah XII 14; Wash. XII 17.)

Registration Taxes

Legislature may provide for levy and collection of. (Ariz. IX 12; Okla. X 12.)

Special Taxes

Legislature may provide by general law only for payment of. (Ky. 181.)

Specific Taxes

Legislature may provide for levy and collection of. (Ariz. IX 12; Okla. X 12.)

Legislature may by law impose; to be uniform on classes upon which they operate. (Mich. X 4.)

Stamp Taxes

Legislature may provide for levy and collection of. (Ariz. IX 12; Okla. X 12.)

Constitution not to be construed to prevent legislature from providing stamp tax. (Utah XIII 12.)

State Lands

To be subject to taxation from date of contract for sale by state. (N.D. Amend. XIII 158.)

Stocks and Bonds

Shares of stock of all banks organized under the laws of this or any other state, or of the United States, and located in this state, shall be assessed and taxed by the owners or holders thereof by state board of equalization in manner prescribed by

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Stocks and Bonds (*Cont'd*)

law in city or town where bank is located, and not elsewhere. Tax shall be 1 per cent. annually payable to state. Value of each share, except of banks in liquidation, shall for purposes of this section be the amount paid in thereon together with its *pro rata* of accumulated surplus and undivided profits. Value of each share of bank in liquidation shall be its *pro rata* of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal upon such shares and upon the property of such banks except county and municipal taxes on real estate and except as otherwise provided in this section. In determining value of the capital stock, there shall be deducted the assessed value of any real estate of the bank other than mortgage interests therein, taxed for county purposes. The banks shall be liable to the state for this tax and it shall be paid to the state by them on behalf of stockholders in manner prescribed by law and they shall have a lien upon the shares of stock and upon dividends to secure the amount so paid. The word "banks" includes banking associations, savings and loan societies and trust companies, but not building and loan associations. (Cal. XIII 14 c.)

Legislature may provide for taxation of banks and banking capital "by taxing the shares according to the value thereof (augmented by the accumulations, surplus and unpaid dividends) exclusive of real estate which shall be taxed as other real estate". (Miss. VII 181.)

Legislature to tax investments in bonds, stock, joint-stock company or otherwise by uniform rule. (N.C. V 3.)

Shares of stock of banks and corporations located in this state to be listed at "their true value in money" and taxed for municipal purposes in city, ward, town or incorporated village where bank or corporation is located and not elsewhere; "true value in money" to include all surplus or extra moneys, capital and every species of personal property of value owned or in possession of corporation. (S.C. X 5.)

Legislature to provide for taxing investments in bonds, stocks, joint-stock companies or otherwise. (S.D. XI 4.)

Legislature may tax income derived from stocks and bonds when not taxed *ad valorem*. (Tenn. II 28.)

Constitution not to be construed to authorize taxation of stocks of any company or corporation "when the property of such company or corporation represented by such stocks has been taxed". (Utah XIII 2.)

Corporate stock not to be taxed when franchise tax is imposed on corporation doing business in state issuing such stock or when all the capital however invested of corporations chartered under laws of state is taxed. (Va. XIII 170.)

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TAXATION (*Cont'd*)

OBJECTS AND KINDS OF TAXATION (*Cont'd*)

Stocks and Bonds (*Cont'd*)

Until otherwise prescribed by law, stock issued by trust or security companies chartered by state and by incorporated banks, to be taxed in same manner as stock of incorporated banks so taxed by law in force January 1, 1902, but from total assessed value of stock of any such company or bank, there shall be deducted the assessed value of its real estate otherwise taxed in this state and the value of each share of stock shall be its proportion of remainder. (Va. XIII 182.)

Succession Taxes, *See above, this subdivision*, INHERITANCE TAXES.

Telegraph Interests or Business

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

Toll Bridges

Legislature may tax as provided by general law uniform as to the class upon which it operates. (Ill. IX 1; Nebr. IX 1.)

STATE TAXES

Under this subhead are digested only those provisions relating to the levy, rate and purpose of state taxes. For other provisions relating to such taxes, See throughout this title.

See also MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER — CONTENTS OF CHARTERS — RESTRICTIONS UPON.

For estimate of amount required to be raised, See STATE FINANCES — BUDGET.

For taxes for school purposes, See below, this title, SCHOOL TAXES.

For taxes for redemption of state debt, See STATE DEBT — REDEMPTION.

Authority

Taxing power may be exercised by legislature for state purposes. (La. 224; Mo. X 1.)

Tax may be levied annually on property subject to taxation to be applied exclusively for maintenance and repairing state levee system. This provision to cease to have effect when federal government assumes control of levees. (La. 238, 240.)

Legislature may impose and levy "proportional and reasonable assessments, rates and taxes". (Mass. Pt. II Ch. I Sec. I 4.)

Legislature authorized to impose and levy "proportional and reasonable assessments, rates and taxes upon all the inhabitants of and residents within" state. (N.H. II 5.)

"For state revenue there shall be levied annually a tax." (Wyo. XV 4.)

Legislature to provide "needful" revenue by tax levy. (Ida. VII 2; Ill. IX 1; Nebr. IX 1.)

Legislature to provide necessary revenue for support and maintenance of state. (Mont. XII 1.)

In addition to limited rate for general state purposes special levy may be made on live stock for purpose of paying "bounties on wild animals and for stock inspection, protection and in-

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TAXATION (*Cont'd*)
STATE TAXES (*Cont'd*)
Authority (*Cont'd*)

demnity purposes" as prescribed by law; such special levy to be made and levied annually by state board of equalization, as prescribed by law. (Mont. XII 9.)

Legislature to provide for raising revenue sufficient to defray expenses of state. (N.D. XI 174.)

Legislature to provide by law for annual tax sufficient to defray estimated expenses of state for each fiscal year. (Nev. IX 2; S.C. X 2; S.D. XI 1; Wis. VIII 5.)

Legislature to levy special tax for prison equipment in 1907. (S.D. XI 1.)

Legislature to provide for annual tax which with other resources shall be sufficient to defray estimated expenses of state for each fiscal year. (Colo. X 2; Ky. 171; Okla. X 2; Utah XIII 2; Wash. VII 1.)

Legislature to provide for annual tax sufficient with other sources of revenue to defray necessary ordinary expenses of state for fiscal year. (Ariz. IX 3.)

Legislature to provide for annual tax sufficient with other resources to pay estimated expenses of state government, interest on state debt and such deficiency as may occur in resources. (Mich. X 2.)

When expenses in any fiscal year exceed income, legislature may levy tax for ensuing fiscal year sufficient with other sources of income to pay deficiency in addition to estimated expenses for ensuing fiscal year. (Ariz. IX 4; Okla. X 3; Ore. IX 6; S. C. X 2; S.D. XI 1; Wash. VII 8; Wis. VIII 5.)

State may select its subjects of taxation and levy and collect its revenues independent of counties, cities or other municipal subdivisions. (Okla. X 13.)

When expenses for any year exceed income legislature to provide for levying tax sufficient with other sources of income to pay deficiency as well as estimated expenses of "such ensuing year or two years". (Nev. IX 2.)

Legislature to provide "equitable taxes" annually for superintendence and repair of state canals, and may authorize "equitable annual tax" for improvement of canals. (N.Y. VII 9, 10.)

When deficiency in revenue exists for any year legislature to levy at regular session next after deficiency occurs tax for ensuing year sufficient with other sources of income to meet such deficiency as well as estimated expenses of such year. (W.Va. X 5.)

Legislature's power of taxation to extend to provision for payment of state debt and interest thereon, support of free schools and payment of annual estimated expenses of state. (W. Va. X 5.)

If the state revenues from taxes on corporations, franchises, etc., are insufficient to meet its expenditures including those for

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TAXATION (*Cont'd*)

STATE TAXES (*Cont'd*)

Authority (*Cont'd*)

educational purposes, there may be levied in manner to be provided by law a tax for state purposes on all property in the state including the classes of property enumerated in this section (corporations, franchises, etc.) sufficient to meet deficiency. (Cal. XIII 14 e.)

State board of equalization for each of four fiscal years, beginning July 1, 1911, to levy an *ad valorem* rate on all property subject to taxation on July 1, 1910, in manner and by method other state taxes levied, assessed and collected at that time, a sum sufficient after allowance for delinquency to produce for each of said four fiscal years $1,250,000 for Panama Pacific Exposition. Board to fix rate at time of determining amount of revenue required for other state purposes. (Cal. IV 22.)

Legislature may add to state road and bridge fund by providing for annual tax levy on all property in state. (Minn. IX 16.)

Legislature may after January 1, 1913, segregate for purposes of taxation "the several classes of property so as to specify and determine upon what subjects state taxes and upon what subjects local taxes may be levied". (Va. XIII 169.)

Limitations Upon

Purpose

Power of taxation "over the whole state" to be exercised by legislature solely for (1) Support of state government and public institutions; (2) Educational purposes, in instructing children in elementary branches of English education only; (3) Payment interest and principal of public debt; (4) Suppress insurrection, repel invasion, and defend state in time of war; (5) To supply articles and pensions for support of soldiers and their widows under specified conditions. (Ga. VII Sec. I 1.)

Legislature not to levy taxes or impose burdens on people except to "raise revenue sufficient for the economical administration of the government" in which may be included: raising revenue for payment of interest on bonded debt of state; for erection and repairs of public buildings; for benefit of sinking fund, not exceeding 2 per cent. of the public debt; for payment of floating debt of state, including bonds for payment of which sinking fund is inadequate; for support of public schools and state colleges and universities and for support and maintenance of Agricultural and Mechanical College of Texas; for protection of frontier; for payment of cost of assessing and collecting revenue; for payment of officers, agents and employees of state, and other incidental expenses; for support of blind, deaf and dumb and insane institutions of state, and state cemetery and public grounds; for enforcement of quarantine regulations on coast of state, but

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TAXATION (*Cont'd*)

STATE TAXES (*Cont'd*)

Limitations Upon (*Cont'd*)

Purpose (*Cont'd*)

legislature may levy and collect in addition to all other taxes an *ad valorem* tax on property, not exceeding 5 cents on $100, to create special fund for pensions of soldiers, sailors and their widows. (Tex. III 48, 51.)

Rate

Legislature not to levy in any year greater rate than sixty-five one hundredths of 1 per cent. of value of taxable property. (Ala. XI 214, XIV 260.)

Legislature not to levy for one year exceeding in aggregate 1 per cent. of assessed value of property of state for that year. (Ark. XVI 8.)

Rate for state purposes not to exceed 4 mills on each dollar of valuation. (Colo. X II.)

Levy of taxes on property for all purposes in any year except to provide for repelling invasion, suppressing insurrection or defending state in time of war, not to exceed 5 mills on each dollar value taxable property. (Ga. VII Sec. I 2.)

Rate for state purposes on real and personal property not to exceed 10 mills on each dollar of assessed valuation. unless proposition to increase such rate specifying proposed rate and time during which to be levied shall be submitted to people at general election and receive majority of votes cast for and against. (Ida. VII 9.)

Tax on property "for all purposes whatever, except those otherwise provided for in this constitution, including expense of government, schools, levees, public roads and public debt and interest thereon" not to exceed in any year 6 mills on dollar of assessed valuation, unless additional tax is required under provision of constitution relating to public debt. (La. 232.)

Tax for state levee system not to exceed 1 mill annually. (La. 239.)

Annual tax levy for state road and bridge fund not to exceed 1 mill. (Minn. IX 16.)

Exclusive of that necessary to pay the bonded debt of state, tax on property not to exceed 20 cents on $100 valuation. When taxable property of state amounts to $900,000,000 rate not to exceed 15 cents. (Mo. X 8.)

Rate on real and personal property for state purposes, except as provided in constitution not to exceed 2½ mills; when taxable property in state amounts to $600,000,000, rate not to exceed 2 mills unless proposition to increase rate, specifying proposed rate and time during which it is to be levied is submitted and approved by majority of all votes cast for and against at general election. Special levy on live stock not to exceed 4 mills. (Mont. XII 9.)

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TAXATION (*Cont'd*)
STATE TAXES (*Cont'd*)
Limitations Upon (*Cont'd*)
Rate (*Cont'd*)

Taxes levied on real or personal property for state revenue not to exceed 4 mills annually except for support of educational, penal and charitable institutions of the state, payment of the state debt and interest thereon, and total annual tax levy upon such property for state purposes exclusive of necessary levies for state debt not to exceed 10 mills. (N.M. VIII 2.)

Rate for state purposes not to exceed in any year 4 mills on each dollar of assessed valuation of taxable property in the state ascertained by last assessment for state and county purposes. (N.D. XI 174.)

State levy on *ad valorem* basis not to exceed 3½ mills. (Okla. X 9.)

Rate for state purposes not to exceed in any year 2 mills on assessed valuation of all taxable property in the state ascertained by last assessment for state and county purposes. (S.D. XI 1.)

Special tax for prison equipment not to exceed one and one-half mills on assessed valuation of all taxable property ascertained by last assessment for state and county purposes. (S.D. XI 1.)

Taxes for benefit of sinking fund not to exceed 2 per cent. of public debt. State taxes on property exclusive of taxes to pay public debt and for benefit public free schools not to exceed 35 cents on $100 valuation, but legislature may levy and collect in addition to all other taxes an *ad valorem* tax on property not exceeding 5 cents on $100 to create special fund for pensions of soldiers, sailors and their widows. (Tex. III 48, 51, VIII 9.)

For state purposes not to exceed 8 mills on each dollar of valuation, to be apportioned not to exceed 4½ mills for general state purposes, 3 mills for district school purposes, and 1½ mills for high school purposes; but when taxable property amounts to $400,000,000, rate not to exceed 5 mills unless a proposition to increase the rate stating the proposed rate and the time during which it shall be levied, be approved, in manner provided, by majority of such qualified electors of state as in the year next preceding the election paid a property tax assessed to them within the state. (Utah XIII 7.)

"On all lands and improvements thereon and on all tangible personal property not exempt" under provisions constitution. State rate to be 20 cents on the $100 of assessed value such property. Proceeds to be applied to expenses government and state debt; but after January 1, 1907, rate on such real and personal property for such purposes to be prescribed by law. No greater amount of

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TAXATION (*Cont'd*)

STATE TAXES (*Cont'd*)

Limitations Upon (*Cont'd*)

Rate (*Cont'd*)

"tax or revenue" to be levied at any time than required for necessary expenses of government or to pay state debt. (Va. XIII 189, 188.)

For state revenue annual tax "not to exceed 4 mills on the dollar of the assessed valuation of the property in the state except for the support of state educational and charitable institutions, the payment of the state debt and the interest thereon". (Wyo. XV 4.)

Release or Commutation Prohibited

Legislature not to release or discharge any county, city, township, town or district or inhabitants thereof or property therein, from their or its proportionate share of taxes to be levied for state purposes, nor to authorize commutation of such taxes in any form whatever. (Ill. IX 6; Nebr. IX 4.)

Legislature not to release or discharge any corporation or its property from its proportionate share of state taxes or authorize commutation of such taxes in any form whatever. (Nebr. IX 4.)

No county, city, town or other municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share. (Colo. X 8; Ida. VII 7; Mont. XII 6.)

"No county, city, town or other municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share, * * * nor shall commutation for such taxes be authorized in any form whatsoever". (Mo. X 9.)

"No county nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever." (Wash. XI 9.)

Legislature not to release inhabitants of or property in any county, city or town from payment of taxes levied for state purposes unless in case of great public calamity in such city or town when such release may be made by vote of two-thirds of each house. (Tex. VIII 10.)

LOCAL TAXES

Under this subhead are digested only those provisions relating to the levy, rate and purpose of local taxes. For other provisions relating to such taxes, See throughout this title.

For taxes for school purposes, See below, this title, SCHOOL TAXES.

For taxes for redemption of local debt, See specific subdivisions of state, e. g., "CITIES", "MUNICIPALITIES".

For taxes for levee and drainage purposes, See "LEVEES — LEVEE DISTRICTS — TAXATION" *and* "DRAINAGE — DRAINAGE DISTRICTS".

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TAXATION (*Cont'd*)

LOCAL TAXES (*Cont'd*)

Authority

See also below, this subdivision, LIMITATIONS UPON — RATE.

Legislature not to impose taxes upon counties, cities, towns or other municipal corporations or upon the inhabitants or property thereof for county, city, town or other municipal purposes, but may by law vest in the corporate authorities thereof the power to assess and collect taxes for such purposes. (Colo. X 7; Ida. VII 6; Mont. XII 4; Utah XIII 5.)

Legislature not to impose taxes upon counties, cities, towns or other municipal corporations or upon the inhabitants or property thereof for county, city, town or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes. (Ky. 181; Mo. X 10; Okla. X 20; Wash. XI 12.)

Legislature not to impose taxes upon counties, cities, towns or other public or municipal corporations or upon the inhabitants or property thereof for county, city, town or other municipal purposes, but may by general law vest in the corporate authorities thereof the power to assess and collect taxes for such purposes. (Cal. XI 12.)

After filing charter framed under provisions of this article city or town may provide and legislate for levy of municipal taxes to be made by municipal officials or by county or state officials as provided in charter. (Colo. XX 6.)

Council of city and county of Denver may fix rate of taxation each year for city and county purposes. Same power extended to all cities and towns framing own charter. (Colo. XX 4, 6.)

Legislature to provide that whenever county has warrants outstanding and unpaid for payment of which there are no funds in county treasury, county commissioners in addition to other taxes provided by law to levy special tax not exceeding 10 mills on dollar of taxable property as shown by last preceding assessment for redemption such warrants. (Ida. VII 15.)

Legislature may by general laws only authorize city or town of any class "to provide for taxation for municipal purposes on personal property, tangible or intangible, based on income, license or franchises in lieu of an *ad valorem* tax thereon". But cities of first class not to be authorized to omit *ad valorem* tax on such property or on steam railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company. (Ky. 181.)

Taxing power to be exercised by counties and other municipal corporations under authority granted by legislature for "county and other corporate purposes". (Mo. X 1.)

Taxes for county, city, town and school purposes "may be levied on all subjects and objects of taxation". (Mo. X 11.)

Taxes for city, town and school purposes "may be levied on all subjects and objects of taxation". (Mont. XII 5.)

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TAXATION (*Cont'd*)

LOCAL TAXES (*Cont'd*)

Authority (*Cont'd*)

Municipal corporations "may be vested with authority to assess and collect taxes" for all corporate purposes. (Ariz. IX 6; S.D. XI 10; Wash. VII 9.)

Legislature may delegate taxing power "with the necessary restrictions" to subordinate "political and municipal corporations" to the extent of "providing for their existence, maintenance and well being, but no further". (Ark. II 23.)

County courts to have such powers in relation to county taxes as conferred by law. Justices of peace to sit with and assist county judge in levying county taxes; judge and majority of justices to be quorum for purpose; or in absence of judge, majority of justices to be quorum and they shall elect one of their number to preside; legislature to regulate manner of compelling attendance of such quorum. (Ark. VII 28, 30.)

Legislature to authorize counties and incorporated cities and towns to assess and impose taxes for county and municipal and for no other purposes. (Fla. IX 5.)

Courts of ordinary to have such powers in relation to county taxes as conferred by law. (Ga. VI Sec. VI 2.)

Legislature not to impose taxes on municipal corporations or the inhabitants or property thereof for corporate purposes, but may authorize them to assess and collect taxes. (Ill. IX 9, 10; Nebr. IX 6, 7.)

Legislature may provide for assessment of property and levy and collection of taxes for corporate purposes in Chicago "in accordance with the principles of equality and uniformity" prescribed by constitution. (Ill. IV 34.)

Taxing power may be exercised by parishes, municipal corporations and public boards under authority granted by legislature for parish, municipal and local purposes strictly public in nature. (La. 224.)

County and township organization to have such powers of local taxation as may be prescribed by law. (Minn. XI 5.)

County not to be denied right to levy county and special taxes upon assessment of railroad and corporate and other property not wholly within one county made in pursuance of special method of assessment provided by legislature as in other cases of property situated and assessed in the county. (Miss. IV 112.)

County taxes to be levied by county commissioners "in like manner with the state taxes". (N.C. V 6.)

County commissioners, township trustees and similar boards to have "such power of local taxation, for police purposes," as may be prescribed by law. (Ohio X 7)

Corporate authorities of counties, townships, school districts, cities, towns and villages to be vested with power to assess and collect taxes for corporate purposes. (S.C. VIII 6, X 5.)

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TAXATION (*Cont'd*)
LOCAL TAXES (*Cont'd*)
Authority (*Cont'd*)
Legislature to require all property, except that which constitution permits to be exempted, within limits of municipal corporation to be taxed for corporate purposes and for payment of debts contracted. (S.C. X 5.)
Taxes for subdivisions of state to be levied by respective fiscal authorities. (S.C. X 13.)
Legislature may authorize counties and incorporated towns to impose taxes for county and corporation purposes respectively in manner prescribed by law. (Tenn. II 29.)
Cities and towns with population less than 5,000 may levy, assess and collect annual tax to defray current expenses of local government. (Tex. XI 4.)
Cities having population more than 5,000 may levy, assess and collect such taxes as may be authorized by law or by charter. (Tex. XI 5.)
"All property of railroad companies of whatever description lying or being within the limits of any city or incorporated town within this state shall bear its proportionate share of municipal taxation and if any such property shall not have been heretofore rendered the authorities of the city or town within which it lies shall have power to require its rendition and collect the usual municipal taxes as on other property lying within said municipality." (Tex. VIII 5.)
Counties and cities bordering on gulf may be authorized by two-thirds vote of taxpayers ascertained as provided by law to levy and collect such taxes as authorized by law for construction of sea walls, breakwaters or sanitary purposes. (Tex. XI 7.)
Board of supervisors to lay county and district levies. (Va. VII 111.)
Legislature may after January 1, 1913, segregate for purposes of taxation "the several classes of property so as to specify and determine upon what subjects state taxes and upon what subjects local taxes may be levied". (Va. XIII 169.)
Legislature may authorize corporate authorities of cities, towns and villages to assess and collect taxes for corporate purposes. (W.Va. X 9.)
Limitations Upon
In General
Legislature to restrict power of taxation and assessment of cities, towns and villages so as to prevent abuses. (Kan. XII 5.)
Legislature to restrict power of taxation and assessment of cities, towns and incorporated villages so as to prevent abuses. (N.C. VIII 4.)
Legislature to restrict power of taxation and assessment of cities and incorporated villages so as to prevent abuses. (N.Y. XII 1; Ohio XIII 6; Wis. XI 3.)

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TAXATION (*Cont'd*)

LOCAL TAXES (*Cont'd*)

Limitations Upon (*Cont'd*)

In General (*Cont'd*)

Legislature to restrict power of municipal corporations to levy taxes and assessments so as to prevent abuse of such power. (S.D. X 1; Wyo. XIII 3.)

Laws may be passed to limit power of municipalities to levy taxes for local purposes. (Ohio XVIII 13.)

Legislature to restrict power of taxation and assessment of cities and towns except for procuring supplies of water. (Nev. VIII 8.)

Legislature to restrict power of cities and towns to levy taxes and assessments and none to be levied except in pursuance of law for public purposes specified by law. (S.C. VIII 3.)

Legislature in acts incorporating towns and cities to restrict their powers of taxation. (Ore. XI 5.)

Legislature in general law providing for organization of cities to restrict power of taxation and assessment so as to prevent abuse. (Ark. XII 3.)

Legislature in general law providing for organization of municipal corporations to restrict power to levy taxes and assessments. (N.D. VI 130.)

Provision to be made by general laws to prevent abuse by cities, towns and other municipal corporations of powers of assessment and taxation. (Miss. IV 80.)

Power to tax corporations and their property never to be surrendered or abridged by contract or grant to which political subdivision of state is party; but this subject to exception in favor of manufacturing and public utility enterprises. (Miss. VII 182.)

In exercise of power of counties and incorporated cities and towns to tax "all property shall be taxed upon the principles established for state taxation". (Fla. IX 5.)

In exercise of power of counties and incorporated towns to tax "all property shall be taxed according to its value upon the principles established in regard to state taxation". (Tenn. II 29.)

Purpose

Legislature may authorize incorporated cities and towns to assess and impose taxes for municipal and no other purposes. (Fla. IX 5.)

City or village not to assess, levy or collect any tax or assessment for other than public purpose. (Mich. VIII 25.)

Except as otherwise provided in the constitution, no tax or assessment to be levied or collected by municipal corporation except in pursuance of law for public purposes specified by law. (S.D. X 2.)

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TAXATION (*Cont'd*)
LOCAL TAXES (*Cont'd*)
Limitations Upon (*Cont'd*)
Purpose (*Cont'd*)
No tax or assessment to be levied or collected by municipal corporation except in pursuance of law for public purposes specified by law. (Wyo. XIII 3.)
No tax to be levied or collected by any county, city, town or other municipality for payment any debt or interest thereon contracted directly or indirectly in aid of the rebellion. (N.C. VII 13.)
Legislature not to delegate to county right to levy for any purpose except for educational purposes; to build and repair public bridges; to maintain and support prisoners; to pay jurors and coroners; and for litigation, quarantine, roads, and expenses of courts; to support paupers and pay debts existing prior adoption constitution; to pay the county police, and to provide for necessary sanitation. (Ga. VII Sec. VI 2.)
Legislature not to authorize county or township to levy taxes for any purpose except "educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses, and for ordinary county purposes, to support paupers, and pay past indebtedness". (S.C. X 6.)
Rate
No county to be authorized to levy greater rate in any year than one-half of one per cent. on value of taxable property therein. Additional rate not exceeding one-fourth of one per cent. authorized for payment specified debts existing 1875, also additional rate of one-fourth of one per cent. authorized to pay debt existing time adoption constitution and incurred for erection or maintenance of public buildings or bridges or subsequently incurred for erection public buildings, bridges or roads, to be applied solely for purposes for which levied. (Ala. XI 215.)
Except as otherwise provided in this article constitution, no city, town, village or other municipality to levy higher rate in any year than one-half of one per cent. of value of property therein as assessed for state taxation during preceding year. Special additional rate of one per cent. authorized exclusively for payment of debt existing 1875 and interest thereon. These rates not to apply to specified cities and towns which are authorized to levy rates for general and special purposes under varying provisions prescribed for each. (Ala. XI 216.)
No municipal corporation to be authorized to levy any tax on real or personal property to greater extent in one year than 5 mills on assessed value; but to pay indebt-

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TAXATION (*Cont'd*)
LOCAL TAXES (*Cont'd*)
Limitations Upon (*Cont'd*)
Rate (*Cont'd*)

edness existing time adoption constitution additional tax of not more than 5 mills may be levied. (Ark. XII 4.)

No county to levy tax exceeding "one-half of one per cent. for all purposes"; but may levy additional one-half of one per cent. to pay indebtedness existing time adoption constitution. (Ark. XVI 9.)

County courts together with majority of justices of peace authorized in addition to amount allowed to be levied for county taxes to levy not exceeding three mills on all taxable property of county to be known as county road tax and to be used for making and repairing public roads and bridges in county and for no other purpose, to be collected in United States currency or county warrants legally drawn on such road tax fund, if majority qualified electors of county "shall have voted public road tax at the general election for state and county officers preceding such levy at each election". (Ark. XXIII.)

Rate not to exceed $1.50 on each $1,000 in counties where assessed valuation exceeds $5,000,000, or $3 on each $1,000 where it is less than $5,000,000. (Colo. XI 6.)

In counties not to exceed in the aggregate 75 cents per $100, except to pay ante-constitution debt, without approval of the people of the county. (Ill. IX 8.)

Tax rate of cities, towns, counties, taxing districts and other municipalities for other than school purposes not to exceed "following rates on value of taxable property therein"; for cities and towns having population of 15,000 or more $1.50 per $100, less than 15,000 but not less than 10,000 $1 per $100, less than 10,000 75 cents per $100, and for counties and taxing districts 50 cents per $100; unless higher rate necessary to pay interest on or provide sinking fund for redemption of debt contracted prior to adoption of constitution. (Ky. 157.)

Except as otherwise provided in constitution no parish, municipal or public board tax for all purposes to exceed in one year 10 mills on $1 of assessed valuation, provided that for purposes of public schools, and erection and construction of public buildings and other permanent works, the title to which will be in the public; any parish, municipal corporation, ward or school district may levy special tax in excess of said limitation whenever the rate, purposes and number of years during which it is to be levied have been submitted to vote of the property taxpayers entitled to vote under laws of state, and majority of same in number and in amount voting at such election have voted therefor. (La. 232.)

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TAXATION (*Cont'd*)
LOCAL TAXES (*Cont'd*)
Limitations Upon (*Cont'd*)
Rate (*Cont'd*)

Board of supervisors of county may levy in any year one-tenth mill on assessed valuation for construction or repair of public buildings or bridges; if assessed valuation is less than $10,000,000 board may levy $1,000; not to levy more except on submission to voters and approval by majority voting thereon. County taxes for road purposes not in any year to exceed $3 on each $100 of assessed valuation for preceding year. Legislature by general law to limit rate of taxes of cities and villages for municipal purposes. (Mich. VIII 10, 20, 26.)

Annual rate in counties having $6,000,000 of taxable property or less not to exceed in aggregate 50 cents on $100; having $6,000,000 and under $10,000,000 not to exceed 40 cents on $100; having $10,000,000 and under $30,000,000 not to exceed 50 cents on $100; having $30,000,000 or more not to exceed 35 cents on $100. Annual rate in cities and towns having 30,000 inhabitants or more not to exceed $1 on $100; having less than 30,000 and over 10,000 not in aggregate to exceed 60 cents on $100; having less than 10,000 and over 1,000 not in aggregate to exceed 50 cents on $100; having less than 1,000 not in aggregate to exceed 25 cents on $100. Annual rate in school districts composed of cities of 100,000 inhabitants or more, not to exceed 60 cents on $100, and in other districts not to exceed 40 cents on $100; and this rate may be increased in districts formed of cities and towns to $1 per $100 and in other districts to 65 cents per $100 if majority of voters who are taxpayers voting at an election held for purpose approve. Rate allowed to be ascertained by amount of taxable property therein according to last assessment for state and county purposes, or by last census taken under authority of state or United States. Restrictions to apply to taxes of all kinds and description whether general or special except taxes to pay valid indebtedness existing at time of adoption of constitution or bonds issued in renewal thereof. Limit may be increased for purpose of erecting public buildings when rate of increase and purpose for which intended is submitted to people and two-thirds of qualified voters voting at election approve. (Mo. X 11.)

In addition to other taxes authorized for county purposes county authorities (county court in those not under township organization and township board of directors in those under township organization) may levy, and collect in manner state and county taxes collected, special tax not exceeding 25 cents on the hundred to be used for road and

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TAXATION (*Cont'd*)
LOCAL TAXES (*Cont'd*)
Limitations Upon (*Cont'd*)
Rate (*Cont'd*)

bridge purposes, but for no other purpose. Power to levy this tax expressly declared to be "discretionary". (Mo. X 22.)

St. Louis authorized to levy for municipal purposes in addition to municipal rate fixed for cities generally "a rate not exceeding the rate which would be allowed for county purposes if said city were part of a county". (Mo. X 11.)

County authorities not to assess taxes the aggregate of which exceeds $1.50 per $100 valuation, except to pay ante-constitution indebtedness, unless authorized by vote of people of county. (Nebr. IX 5.)

Amount of county taxes never to exceed double the state tax except for special purposes with special approval of legislature. (N.C. V 6.)

In county containing city of over 100,000 or in any such city amount to be raised in any year for county or city purposes, in addition to interest and principal of existing debt, not to exceed 2 per cent. of assessed valuation of "real and personal estate" as appears by assessment rolls for last preceding assessment for state and county taxes. (N.Y. VIII 10.)

Total annual taxes on *ad valorem* basis for all state and local purposes shall not exceed thirty-one and one-half mills on dollar, to be divided as follows: Not more than three and one-half mills for state; 8 mills for county; 5 mills for township; 10 mills for city or town; 5 mills for school district; provided that county may levy additional 2 mills for school purposes; and after referendum and approval by majority of voters thereof school district may increase annual rate by not more than 10 mills and counties, cities or school districts may for purpose of erecting public buildings increase the rates by not more than 5 mills. Limitation on rates not to apply to taxes authorized to be levied to pay indebtedness existing under territories. (Okla. X 9, 10, Sched. 25.)

Annual tax of cities and towns having population less than 5,000 to defray current expenses of local government not to exceed in any year one-fourth of one per cent. (Tex. XI 4.)

No tax for any purpose for any year shall exceed 2½ per cent. of taxable property in any city having population more than 5,000. (Tex. XI 5.)

County, city or town not to levy more than 25 cents for "city and county" purposes, and not exceeding 15 cents for roads and bridges, and not exceeding 15 cents to pay jurors, except for payment of debt incurred prior

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TAXATION (*Cont'd*)

LOCAL TAXES (*Cont'd*)

Limitations Upon (*Cont'd*)

Rate (*Cont'd*)

adoption amendment September 25, 1883, and for erection public buildings, streets, sewers, waterworks and other permanent improvements not to exceed 25 cents in any one year and except as in constitution otherwise provided; legislature may authorize additional annual *ad valorem* tax to be levied and collected for further maintenance of public roads provided majority qualified property taxpaying voters of county voting at election held for purpose shall vote such tax not to exceed 15 cents on $100 valuation of property subject to taxation in county. (Tex. VIII 9.)

County authorities not to assess in any one year aggregate exceeding 95 cents on $100 of valuation except for support of free schools, payment of state debts and interest, unless such assessment with all questions involving increase of such aggregate shall have received three-fifths of votes cast for and against it on submission to people of county. (W.Va. X 7.)

"For county revenue there shall be levied annually a tax not to exceed 12 mills on the dollar for all purposes including general school tax exclusive of state revenue except for the payment of its public debt and the interest thereon." (Wyo. XV 5.)

No incorporated city or town shall levy tax exceeding 8 mills in any year except for payment of its public debt and interest thereon. (Wyo. XV 6.)

Application of Proceeds

Money raised by taxation or assessment by municipal corporation for any purpose not to be diverted to any other purpose except by authority of law. (N.D. VI 130.)

Money raised by taxation or assessment by municipal corporation for one purpose not to be diverted to any other. (S.D. X 2.)

Referendum

No tax to be levied or collected by officers of any county, city, town or other municipal corporation, except for necessary expenses therefor unless by vote of majority of qualified voters therein. (N.C. VII 7.)

Payment of tax on property valued at $134 for next preceding year required for vote on any proposition to impose tax in any city or town. (R.I. Amend. VII 1.)

Release or Commutation Prohibited

Legislature not to discharge or release any taxes due to any municipal corporation nor shall commutation of such taxes be authorized in any form whatever. (Nebr. IX 4.)

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TAXATION (*Cont'd*)

LOCAL TAXES (*Cont'd*)

Release or Commutation Prohibited (*Cont'd*)

Legislature not to release inhabitants of or property in any county, city or town for payment of taxes levied for county purposes unless in case of great public calamity in such county, city or town when such release may be made by vote of two-thirds of each house. (Tex. VIII 10.)

SCHOOL TAXES

Under this subhead are digested only those provisions which relate to the levy of taxes for school purposes. For provisions relating to application and distribution of moneys raised for school purposes, See EDUCATION — FUNDS.

See also above, this title, OBJECTS AND KINDS OF TAXATION — POLL TAXES.

See also above, this title, "STATE TAXES" *and* "LOCAL TAXES".

In General

Taxes for school purposes may be levied on "all subjects and objects of taxation". (Mont. XII 5.)

Taxes for educational purposes other than for common schools must be submitted to voters, provided existing tax for educational purposes and for endowment and maintenance of agricultural and mechanical college shall remain until changed by law. (Ky. 184.)

State

Legislature may levy special annual school tax of 30 cents on each $100 of taxable property in state, provided total levy shall not exceed 65 cents on each $100. (Ala. XIV 260.)

Legislature to provide for support of common schools by taxation not to exceed in any one year 3 mills on the dollar of taxable property. (Ark. XIV 3.)

Legislature may authorize special state school tax for the support of public, secondary and technical schools. (Cal. IX 6.)

Special tax of 1 mill on all taxable property in state, in addition to other means provided, to be levied and apportioned annually for free schools. (Fla. XII 6.)

Legislature is authorized to assess special tax on shows and exhibitions and on sale of spirituous and malt liquors to go into school fund. (Ga. VIII 3.)

Legislature may levy, solely for support of public schools, tax on inheritances, legacies and donations. (*For details, See above, this title,* OBJECTS AND KINDS OF TAXATION — INHERITANCE TAXES.) (La. 235.)

Legislature to provide by taxation to supplement school fund so as to maintain free public school in each district for at least three months each year. (Mont. XI 6.)

Legislature to provide for maintenance of public schools by taxation. (Md. VIII 1.)

Legislature to provide special state school tax in addition to other means, provided for support of university and common schools, not to exceed 2 mills. (Nev. XI 6.)

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TAXATION (*Cont'd*)
SCHOOL TAXES (*Cont'd*)
State (*Cont'd*)
Legislature to levy, collect and add to school fund annual tax for school purposes. (N.M. XII 4.)
Legislature to provide by taxation for common schools in addition to income from school fund. (Ohio VI 2.)
After December 31, 1898, legislature to levy annual tax for school purposes in addition to poll tax and county commissioners' tax. (S.C. XI 6.)
Legislature to provide by general taxation for school purposes. (S.D. VIII 15.)
An *ad valorem* tax not to exceed 20 cents on $100 valuation may be levied so that with the available school fund schools may be maintained not less than six months a year. (Tex. VII 3.)
Legislature to apply an annual tax of not less than 1 nor more than 5 mills to schools of primary and grammar grade. (Va. IX 135.)
Legislature may impose a further tax of 10 cents on each $100 of assessed value, to support of public free schools of state, but after January 1, 1907, rate for such purposes to be prescribed by law. (Va. XIII 189.)
Legislature to provide such school taxes as with income from general school fund will maintain efficient system of public schools. (Wyo. VII 9.)
Local
Counties may levy and collect a special tax not exceeding 10 cents on each $100 of taxable property for support of schools provided three-fifths of qualified electors vote to do so, and rate of special tax does not increase combined state and county tax to more than $1.25 on each $100, excluding certain special county taxes enumerated. (Ala. XIV 269.)
Legislature may authorize school districts also to levy by vote of qualified electors of district tax for school purposes not to exceed 7 mills in any one year, provided no such tax be appropriated to any other purpose or to any other district than that for which levied. (Ark. XIV 3.)
Each county to assess and collect annually for support of free schools therein a tax not less than 3 nor more than 7 mills on all its taxable property. (Fla. XII 8.)
Legislature may authorize counties, militia districts, school districts and municipal corporations to levy taxes for maintenance of public schools. Tax to be approved by two-thirds vote at election and legislature to prescribe who may vote. (Ga. VIII 4.)
Any parish, municipal corporation, ward or school district may levy a special tax for schools and schoolhouses in excess of the constitutional limitation, when the rate, purposes and number of years during which it is to be levied have been submitted

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TAXATION (*Cont'd*)
SCHOOL TAXES (*Cont'd*)
Local (*Cont'd*)

to vote of the property taxpayers entitled to vote under laws of the state and majority of same in number and amount voting at such election have voted therefor. (La. 232.)

Legislature to provide that each parish may levy a tax for public schools therein not to exceed the entire state tax provided that with such tax total parish taxes shall not exceed limits fixed by constitution. (La. 255.)

City of New Orleans to appropriate not less than eight-tenths of one mill for any one year to school purposes. (La. 255.)

Police juries in the parishes and boards of trustees and municipal councils of incorporated cities and towns, except parish of Orleans, to levy, collect and pay to parish school boards proceeds of at least 3 mills of the annual tax, unless parish school boards certify that needs of the school can be met with smaller levy. This does not apply to cities that spend an equivalent amount under their charters for the support of free public schools under the supervision and control of the state board of education and independent of parochial school authorities. (La. 255.)

Any county, or separate school district may levy additional tax to maintain schools longer than four months. (Miss. VIII 206.)

Provision to be made for local school taxes. (N.M. XII 4.)

County commissioners, or other officers hereafter vested with same powers, to levy annual tax of 3 mills on all taxable property in county for school purposes. Any school district may, by authority of legislature, levy additional school tax. (S.C. XI 6.)

Legislature to authorize school corporation to levy additional taxes for school purposes. (S.D. VIII 15.)

Legislature may pass laws for assessment and collection of taxes in school districts, and also may authorize additional *ad valorem* tax to be levied and collected within school districts for the maintenance of schools or erection of school buildings therein, provided extra tax does not exceed 50 cents on $100 valuation, and the assent of a majority of qualified property tax-paying voters is given at an election held for that purpose. Limitation on amount of school district tax does not apply to incorporated cities or towns constituting separate and independent school districts. (Tex. VII 3.)

Each school district and each county, city or town if a separate school district may raise additional tax on property not to exceed 5 mills in any year for school purposes. County boards of supervisors and city and town councils to provide for levy and collection of such taxes. (Va. IX 136.)

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TAXATION (*Cont'd*)

SCHOOL TAXES (*Cont'd*)

Local (*Cont'd*)

Legislature to provide for raising in each county or district, by authority of people of, such proportion of amount required for free schools as laws may prescribe. Taxes so levied to be reported to county court. (W.Va. XII, 5, 7.)

Each town and city to raise by taxation annually for support of common schools not less than half of amount it receives from school fund. (Wis. X 4.)

ASSESSMENT

In General

See also above, this title, OBJECTS AND KINDS OF TAXATION — PROPERTY.

All property not exempted by constitution to be assessed for taxation. (Ky. 172.)

Assessment to be "according to its true value". (Miss. IV 112; N.J. IV, 7, 12.)

Assessment of real and personal property to be according to its true value in money. (N.C. V 3.)

All taxes levied on property in state to be "assessed in exact proportion" to its value. (Ala. XI 211.)

All lands and other property not rendered for taxation by owner shall be assessed at their value by proper officer. (Tex. VIII 11.)

Lands held in large tracts not to be assessed at lower value per acre than lands of same character or quality and similarly situated, held in smaller tracts. (N.M. VIII 6.)

All assessments hereafter authorized to be on property "at its cash value". (Mich. X 7.)

To be at "fair cash value, estimated at the price it would bring at a fair voluntary sale". (Ky. 172; Okla. X 8.)

Not to exceed actual cash value. (La. 225.)

"The value of each subject of taxation shall be so fixed in money that every person and corporation shall pay a tax in proportion to the value of his, her or its property". (S.D. XI 2.)

"All taxes upon property, real and personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax." (S.C. III 29.)

To include value of land and value of buildings and improvements. This to apply to all assessment for taxation for state, county, hundred, school, municipal or other public purpose. (Del. VIII 7.)

To include rental value of land and rental value of buildings and improvements thereon. This to apply to all assessment for taxation for state, county, hundred, school, municipal or other public purpose. (Del. VIII 7.)

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TAXATION (*Cont'd*)

ASSESSMENT (*Cont'd*)

In General (*Cont'd*)

Value of taxable property to be ascertained as provided by law or by constitution. (Cal. XIII 1; Tenn. II 28; Tex. VIII 1; Utah XIII 2; Wash. VII 1; W.Va. X 1.)

Value of taxable property to be ascertained in manner directed by legislature. (Ark. XVI 5; Nebr. IX 1.)

Manner, method and mode of assessing in the state to be such as prescribed by law. (Ariz. IX 11.)

All property to be assessed in manner prescribed by law, except as otherwise provided by constitution. (Cal. XIII 10; Mont. XII 16.)

"Property shall be assessed for taxes under general laws and by uniform rules, according to its true value." (Miss. IV 112.)

Except as provided in the constitution all assessment of real estate and tangible property to be at their fair market value to be ascertained as prescribed by law. (Va. XIII 169.)

Legislature to prescribe in general laws regulations to secure just valuation for taxation of all property, real and personal. (Colo. X 3; Ida. VII 5; Wyo. XV 11.)

After filing charter framed under provisions of this article city or town may provide and legislate for assessment for municipal taxation by municipal officials or by county or state officials as provided in charter. (Colo. XX 6.)

All coal lands from which coal is not being mined "shall be listed for assessment, valued for taxation and assessed according to value". (Wyo. XV 2.)

Legislature to prescribe such regulations as shall secure just valuation of all property, real and personal, except exempt. (Ind. X 1; Fla. IX 1; Ore. IX 1.)

Legislature to prescribe such regulations as shall secure just valuation for taxation of all property except that specially provided for in constitution. (Mont. XII 1.)

Legislature to prescribe regulations to secure just valuation for taxation of all property, real, personal and possessory, except mines and mining claims and except property exempt by law. (Nev. X 1; S.C. X 1.)

Legislature to provide a uniform and equal rate of assessment according to the value in money of all property and shall prescribe by general law such regulations as shall secure a just valuation for taxation of all property so that every person and corporation shall pay a tax in proportion to the value of his, her or its property. (Utah XIII 3; Wash. VII 2.)

Legislature to provide for assessment of all property for taxation. (S.C. X 13.)

Assessment to be under general laws. (N.J. IV 7, 12.)

Local or special legislation for, forbidden. (Ariz. IV 9, 19; Ida. III 19; Mont. V 26; N.M. IV 24; Wyo. III 27.)

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TAXATION (*Cont'd*)
ASSESSMENT (*Cont'd*)
In General (*Cont'd*)
Special or private legislation for, forbidden. (Cal. IV 25; N.D. II 69; Utah VI 26, 8; Wash. II 28, 5; Wis. IV 31.)
Local or special legislation for assessment for state, county, township or road purposes prohibited. (Iowa III 30; Ind. IV 22; Nev. IV 20; Ore. IV 23.)
Local or special legislation extending time for, forbidden. (Mo. IV 53; Tex. III 56; Va. IV 63.)
Special or local legislation "to authorize or to regulate" forbidden. (Ky. 59.)
Special, private or local legislation regulating assessment forbidden, except in connection with readjustment, renewal or extension of municipal indebtedness created prior to constitution, 1875. (Ala. IV 104.)
Local, special or private legislation for assessment forbidden, except as to animals which legislature deems dangerous to farming interests. (Va. IV 63.)
Failure to assess not to defeat subsequent assessment for and collection of taxes for any preceding year or years unless property shall have passed to *bona fide* purchaser for value without notice in which case the property shall be assessed for taxation against such purchaser from date of his purchase. (Va. XIII 174.)
Assessment for municipal purposes to be made by the city or incorporated town upon property within its limits. (Fla. IX 5.)
Valuation of property for state taxation to be taken as proper valuation for purposes of local taxation in every subdivision of state. (La. 225.)
State, county, township, school, municipal and other taxation to be levied on same assessment, which shall be that made for state taxes. (S.C. X 13.)
Valuation of property for city, town and school district taxes not to exceed valuation of same property for state and county purposes. (Mo. X 11.)
Valuation of property for city, town and school taxes not to exceed valuation of same property for state and county purposes. (Mont. XII 5.)
Assessment of real and personal property in cities and towns for purposes of municipal taxation to be same as that for state taxes whenever there is a state assessment. (Va. VIII 128.)
Assessors
See also COUNTIES — ASSESSOR.
Special or local legislation extending time for or otherwise relieving any assessor from due performance of his duties or his sureties from liability forbidden. (La. 48; Mo. IV 53; Okla. V 46; Tex. III 56.)

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TAXATION (*Cont'd*)

ASSESSMENT (*Cont'd*)

Assessors (*Cont'd*)

No law or ordinance to be passed by any political corporation extending time for or relieving any assessor from due performance of his duties or his sureties from liability. (La. 48.)

Wilful error in performance of duty to be malfeasance and on conviction shall forfeit office and be otherwise punished as provided by law. (Ky. 172; Okla. X 8.)

Legislature to authorize county commissioners where deemed necessary for assessment purposes to divide counties into "taxation districts" and to appoint in each an assistant assessor. (Fla. VIII 7.)

To be elected or appointed as legislature directs. (Ill. IX 1.)

Assessment of taxable property to be made by township board of trustees and returned to county commissioners for revision as provided by law; "but legislature may modify or abrogate". (N.C. VII 6, 14.)

When Made

In order that assessments of "polls and estates" may be made with equality new valuation of estates to be "taken" once in every 10 years at least and as much oftener as legislature orders. (Mass. Pt. II Ch. II Sec. IV.)

"General valuation shall be taken at least once in 10 years". (Me. IX 7.)

"Estates" to be valued at least once every 5 years and as much oftener as legislature shall order. (N.H. II 6.)

Legislature to provide from time to time for new valuation for assessment of taxes in such manner as they deem best. New assessment ("estimate") of valuation of property for taxes required to be taken before first direct state tax after adoption of constitution. (R.I. IV 15.)

Legislature to provide for reassessment of real estate in 1905 and every fifth year, except property of railway and canal corporations. (Va. XIII 171.)

Returns by Property Owners

Legislature to require by law each taxpayer to deliver to county assessor annual statement under oath specifically setting forth all real and personal property owned by him or in his possession or under his control at twelve o'clock noon first Monday March. (Cal. XIII 8.)

All persons or classes of persons who by laws in force January 1, 1911, were required to make returns for state taxes to comptroller-general and all persons thereafter so required, shall on or before March 1st, annually, make such returns as of January 1st. Laws in force January 1, 1911, governing such returns to remain in force as applicable to returns herein required until changed by law. Legislature may make all necessary laws to enforce this provision. (Ga. VII Sec. II 6.)

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TAXATION (*Cont'd*)

ASSESSMENT (*Cont'd*)

Returns by Property Owners (*Cont'd*)

Each railway or canal corporation shall annually on September 1st make to the state corporation commission report required by law in force January 1, 1902, to be made to board of public works by every railroad and canal company not exempt from taxation by virtue of its charter, which report shall show property taxable in this state belonging to the corporation on June 30th preceding. (Va. XIII 179.)

Duty of owner of land to have it entered on books of county in which it or part of it is situated and cause himself to be charged with taxes thereon and pay same. (W.Va. XIII 6.)

Classification

Nothing in constitution to be construed to prevent valuation of different classes of property by different means or methods. (Okla. X 22.)

Initiative and referendum not to be used to pass law authorizing any classification of property for the purpose of levying different rates of taxes thereon. (Ohio II 1 e.)

Legislature may provide for classification of all lands with reference to their value in the several counties. (Tex. VIII 18.)

Deductions

Any depreciation occasioned by a public easement incumbering real estate may be deducted in ascertaining valuation. (Ill. IX 3; Nebr. IX 2.)

Except in case of credit secured by mortgage or trust deed legislature may provide for deduction from credits of debts due to *bona fide* residents of state. (Cal. XIII 1.)

Legislature may authorize deduction of debits from credits. (This appears as exception from provision requiring uniformity and taxation at value.) (Utah XIII 3; Wash. VII 2.)

Situs

All property except as otherwise provided in the constitution to be assessed in the county, city, city and county, town or township or district in which situated. (Cal. XIII 10.)

Personal property shall be taxed in county or city where owners reside greater part of year for which tax levied, "and not elsewhere", except that goods and chattels permanently located shall be taxed in city or county in which located. Legislature may provide that mortgages on property in the state and debts secured thereby, shall be taxed in city or county where property is situated. (Md. III 51.)

All taxable property other than that of railroads, express, telegraph, telephone and other carrying companies to be assessed in the county, city, township, village or district in which situated in manner prescribed by law. (N.D. XI 176.)

"All corporations or persons in this state or doing business herein shall be subject to taxation for state, county, school,

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TAXATION (*Cont'd*)

ASSESSMENT (*Cont'd*)

Situs (*Cont'd*)

municipal or other purposes on the real and personal property owned or used by them within the territorial limits of the authority levying the tax." (Utah XIII 10.)

All property, whether owned by persons or corporations shall be assessed in county where situated. All property subject to taxation in and owned by residents of unorganized counties shall be assessed in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties and lands lying in territory not laid off into counties shall be assessed at office of state comptroller. (Tex. VIII 11, 12.)

Appeals

Taxpayers to have right of testing correctness of assessment before courts of justice. (La. 225.)

Any railroad or canal corporation aggrieved by assessment may within 30 days apply for relief to circuit court of city of Richmond. Verified notice shall be served on state corporation commission and on attorney-general whose duty it shall be to represent state. The court may reduce or increase assessment, and unless applicant paid taxes under protest when due, court after disallowing application shall give judgment for interest at rate of 1 per cent. per month. If application be allowed appropriate relief shall be rendered, including right to recover any excess paid to the state or local authorities, the judgment to be enforceable by mandamus or other process. Subject to provisions of Article VI supreme court of appeals may allow writ of error. (Va. XIII 180.)

Courts not to relieve person or corporation from payment of illegal tax or tax illegally or irregularly assessed until such person pays legal portion of his taxes. (Fla. IX 8.)

Equalization

In General

Manner, method, and mode of equalizing in state to be such as prescribed by law. (Ariz. IX 11.)

Legislature to provide for equalizing the value of all property subject to or rendered for taxation (county commissioners' court to constitute board of equalization). (Tex. VIII 18.)

State

State board of equalization to "equalize the valuation of the taxable property in the several counties of the state for the purpose of taxation". State board may under such rules and notice as it prescribes increase or lower entire assessment-roll or any assessment therein "so as to equalize the assessments of the property contained in said assessment-roll and make the assessment conform to the true valuation in money of the property contained in

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TAXATION (*Cont'd*)
ASSESSMENT (*Cont'd*)
Equalization (*Cont'd*)
State (*Cont'd*)

roll", but may not raise above face value any mortgage, deed of trust, contract or other obligation by which a debt is secured, or money or solvent credit. (Section also provides in detail for election and organization of board.) (Cal. XIII 9.)

State board of equalization (consisting of governor, state auditor, state treasurer, secretary of state and attorney-general) to adjust, equalize, raise or lower valuation of real and personal property of the several counties, and valuation of any item or items of various classes of such property; board to equalize "to the end that all taxable property in the state shall be assessed at its full cash value" and to perform other duties prescribed by law; state board to have no power of local assessment. Equalizations by county boards of equalization to be subject to revision, change and amendment by state board. (Colo. X 15.)

State board of equalization (consisting of governor, secretary of state, attorney-general, state auditor and state treasurer) to perform duties prescribed by law. (Ida. VII 12.)

In 1911 and every fifth year thereafter, and at other times directed by it legislature may provide by law for "equalization of assessments by a state board on all taxable property" except specific taxes and corporate property and property engaged in railroad or other public service business. (Mich. X 8.)

State board of equalization (consisting of governor, state auditor, state treasurer, secretary of state and attorney-general) to adjust and equalize valuation of real and personal property among several counties and perform such other duties as prescribed by law. (Mo. X 18; Mont. XII 15.)

State board of equalization to adjust and equalize the valuation of the real and personal property among several counties of the state and perform such other duties as prescribed by law. (Okla. X 21; Utah XIII 11.)

Legislature to provide by law for a state board of equalization to equalize valuation of all property in the several counties for the state revenue and perform such other duties as prescribed by law. (Wyo. XV 9, 10.)

Local

Boards of supervisors in each county to constitute board of equalization and to equalize valuation of taxable property therein for purpose of taxation. Board may, under such rules and notice as it prescribes, increase or lower entire

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TAXATION (*Cont'd*)
ASSESSMENT (*Cont'd*)
Equalization (*Cont'd*)
Local (*Cont'd*)

assessment-roll or any assessment therein "so as to equalize the assessments of the property contained in said assessment-roll and make the assessment conform to the true valuation in money of the property contained in said roll", but may not raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, or money or solvent credit above face value. (Cal. XIII 9.)

County commissioners to constitute county board of equalization and to adjust, equalize, raise or lower valuation of real and personal property within county, subject to revision, change and amendment by state board of equalization. Board to equalize "to the end that all taxable property in the state shall be assessed at its full cash value" and to perform other duties prescribed by law. (Colo. X 15.)

Board of county commissioners to constitute board of equalization for county and to equalize valuation of taxable property in county under rules and regulations prescribed by law. (Ida. VII 12.)

Board of county commissioners to constitute county board of equalization; board to adjust and equalize valuation of taxable property within county, and perform other duties prescribed by law. (Mont. XII 15.)

County board of equalization to "adjust and equalize the valuation of the real and personal property within their respective counties" and perform other duties prescribed by law. (Utah XIII 11.)

Corporate Property

Legislature to provide by general law for assessment of corporate property by "as near as may be by the same methods as are provided" for assessing "individual property". (S.D. XI 2; Wash. VII 3.)

There shall be a state board of appraisers to assess property employed in railway, telegraph, telephone, sleeping car and express business throughout state, to be composed of auditor and one member from each congressional district elected by five specified state officers for term of four years and at compensation to be fixed by legislature. (La. 226.)

Legislature may provide for assessment "at its true cash value" by state board of assessors of all property of corporations, and of property "by whomsoever owned, operated or conducted, engaged in the business of transporting passengers and freight, transporting property by express, operating any union station or depot, transmitting messages by telephone or telegraph" or loaning, running or operating cars in any manner upon railroads or engaged in any other public service or business. (Mich. X 5.)

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TAXATION (*Cont'd*)

ASSESSMENT (*Cont'd*)

Corporate Property (*Cont'd*)

Legislature may provide special mode of valuation and assessment for railroads and railroad and other corporate property or for particular species of property belonging to persons, corporations or associations not situated wholly in one county. But all such property shall be assessed at its true value. (Miss. IV 112.)

"In assessing for taxation the property and franchises of corporations having charters for a longer period than 99 years, the increased value of such property and franchises arising from such longer duration of their charters shall be considered and assessed." (Miss. VII 178.)

Franchise, roadway, roadbed, rails and rolling stock of railroads operated in more than one county in state to be assessed by state board of equalization and apportioned to counties, cities, towns, townships and school districts in which such railroads are located in proportion to number of miles of railway laid in such counties, cities, towns, townships and school districts. (Mont. XII 16.)

"The property, including franchises", of railroads, express companies, freight line companies, dining car companies, sleeping car companies, car equipment companies, private car line companies, telegraph or telephone companies operating in this state and used directly or indirectly in carrying persons, property or messages, to be assessed by state board of equalization in a manner prescribed "by such state board or commission as may be provided by law". Any portion or roadway which company allows to be used for any purpose other than operation of railway shall, while so used, be assessed not by said board of equalization as other railroad property, but in manner provided for assessment of other real property. (N. D. XI 179.)

State board of equalization to assess all railroad and public service corporation property. (Okla. X 21.)

State corporation commission may be charged with assessment of property of corporations or appraisement of their franchises for taxation; "corporation" defined. (Okla. IX 19, 34.)

All property of railroad companies shall be assessed in the several counties in which property is situated, including so much of roadbed and fixtures as is in each county. Rolling stock may be assessed in gross in county where principal office of company is located, and county tax paid thereon shall be apportioned by comptroller among the several counties through which road passes as part of their tax assets in proportion to distance road runs through each county. (Tex. VIII 8.)

State corporation commission shall annually assess in manner required of the board of public works by law in force January 1, 1902, value of roadbed, other real estate, rolling stock and

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TAXATION (*Cont'd*)

ASSESSMENT (*Cont'd*)

Corporate Property (*Cont'd*)

other personal property (except its franchise and non-taxable shares of stock issued by other corporations) in the state of each railway corporation liable for taxation upon such property; canal bed and other real estate, boats and other personal property (except its franchise and non-taxable shares of stock issued by other corporations) in this state of each canal corporation; and such property shall be taxed for state, county, city, town, district purposes, in manner authorized by said law, at such rates as are imposed upon real and personal property of natural persons, provided no tax shall be laid upon net income of such corporations. State corporation commission after receiving report required to be made by the corporation and after 30 days' notice, as provided by said law, shall assess the property and ascertain amount of state taxes chargeable against it. All taxes shall be paid by December 1st following, and until paid shall be a lien upon the property of the corporation within this state and take precedence over other liens and incumbrances. After January 1, 1913, property of railway and canal corporations may be assessed as legislature provides. (Va. XIII 171, 176, 179.)

Duty of the state board of equalization "to assess at their actual value the franchises, roadway, roadbed, rails and rolling stock and all other property used in the operation of all railroads and other common carriers, except machine shops, rolling mills and hotels in this state; such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located as a basis for taxation of such property; provided that the assessment so made shall not apply to incorporated towns and cities". (Wyo. XV 10.)

Improved and Cultivated Land

Land and improvements thereon to be separately assessed. (Cal. XIII 2; Wyo. XV 1.)

Cultivated and uncultivated lands of same quality similarly situated to be assessed at same value. (Cal. XIII 2.)

Legislature may provide that increase in value of private lands caused by planting hedges, orchards and forests shall not for limited time to be fixed by law be taken into account in assessing such lands for taxation. (Colo. XVIII 7.)

"Legislature may provide that the increased value of lands by reason of live fences, fruit and forest trees grown and cultivated thereon shall not be taken into account in the assessment thereof." (Nebr. IX 2.)

Improvements to be assessed as in case of other property but plowing not to be considered improvement or add to value of land for purpose of assessment. (N.D. XI 177.)

Plowing of land not be considered as adding value thereto for purpose of taxation. (N.M. VIII 6.)

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TAXATION (*Cont'd*)
ASSESSMENT (*Cont'd*)
Live Stock
State board of equalization to "fix a valuation each year for the assessment of live stock and to notify the several county boards of equalization of the rate so fixed at least 10 days before the day fixed for beginning assessments". (Wyo. XV 10.)
Mines
Legislature to provide for special and separate assessment of coal and other mineral land, but until such special assessment is made, such land to be assessed under existing laws. (Va. XIII 172.)
Public Property
Lands and improvements not exempt which are situated outside of but are the property of county, city and county or municipal corporation, to be assessed by local assessor of territory in which situated subject to review, equalization and adjustment by state board of equalization. (Cal. XIII 1.)
Public Utilities, *See above, this subdivision,* CORPORATE PROPERTY.
Railroads, *See above, this subdivision,* CORPORATE PROPERTY.
Sectionized Lands
Tracts containing more than 640 acres sectionized by United States to be assessed by sections or fractions thereof. (Cal. XIII 3.)
Unsectionized Lands
Legislature to provide by law for assessment in small tracts of lands not sectionized by United States. (Cal. XIII 3.)
COLLECTION AND PAYMENT
In General
To be under general laws. (Colo. X 3; Del. VIII 1; Ga. VII Sec. II 1; Ida. VII 5; Ky. 171; Mo. X 3; Mont. XII 1; Okla. X 14; Pa. IX 1; Tex. VIII 3; Va. XIII 168.)
Local or special legislation for, forbidden. (Ariz. IV 19, 9; Ida. III 19; Mont. V 26; N.M. IV 24; N.D. II 69; Wyo. III 27.)
Private or special legislation prohibited. (Utah VI 26, 8.)
Local or special legislation extending time for, forbidden. (Ida. III 19; La. 48; Md. III 33; Mo. IV 53; Mont. V 26; N.M. IV 24; Okla. V 46; Tex. III 56; Va. IV 63; Wyo. III 27.)
Special or private legislation for or for extending time for collection, forbidden. (Cal. IV 25; N.D. II 69; Wash. II 28-5; Wis. IV 31.)
Special or local legislation "to authorize or to regulate" forbidden. (Ky. 59.)
Local or special legislation for collection of taxes for state, county, township or road purposes, forbidden. (Iowa III 30; Ind. IV 22; Ore. IV 23.)
Special, private, or local legislation regulating collection forbidden, except in connection with readjustment, renewal or extension of municipal indebtedness created prior to constitution, 1875. (Ala. IV 104.)

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TAXATION (*Cont'd*)

COLLECTION AND PAYMENT (*Cont'd*)

In General (*Cont'd*)

Local, special or private legislation for collection forbidden, except as to animals which legislature deems dangerous to farming interests. (Va. IV 63.)

Tax to be designated by year in which collectible, and tax on movable property to be collected in year in which assessment is made. (La. 234.)

All provisions of constitution relating to collection of state taxes to apply to collection of parish, district, municipal, board and ward taxes. (La. 243.)

State Taxes

To be paid into state treasury. (Ida. VII 7; Ill. IX 7; Mont. XII 10.)

To be paid into state treasury in money only. (Ariz. IX 3; Wash. VII 6.)

To be paid into state treasury; legislature to provide for enforcing. (S.D. XI 9.)

Comptroller to superintend and enforce promptly collection of. (Md. VI 2.)

All taxes and other state revenue to be collected by "proper officers and paid into the state treasury". (Va. XIII 186.)

Persons required by laws in force January 1, 1911, or laws thereafter passed to make returns for taxes to comptroller-general, to pay taxes arising on such returns in favor of the state on or before September 1st of same year notwithstanding anything contained in constitution or laws previous to this amendment. Laws in force applicable to collection such payments to remain in force until changed by law. Legislature to make all necessary laws to enforce this provision. (Ga. VII Sec. II 6.)

Local Taxes

Taxes for subdivisions of state to be collected by respective fiscal authorities. (S.C. X 13.)

After filing charter framed under provisions of this article city or town may provide and legislate for collection of municipal taxes by municipal officials or by county or state officials as provided in charter. (Colo. XX 6.)

Collectors, *See* COUNTIES — COUNTY COLLECTOR.

Accounting for Taxes Collected

For punishment for use or making profit out of, See PUBLIC OFFICERS.

For disqualification of defaulting collectors to hold office, See "LEGISLATURE — QUALIFICATIONS OF MEMBERS"; *and* "PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS".

Comptroller to adjust and settle on terms prescribed by law with delinquent collectors and receivers of state taxes. (Md. VI 2.)

Governor to suspend tax collectors for alleged default pending investigation of their accounts, and make temporary appoint-

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TAXATION (*Cont'd*)
COLLECTION AND PAYMENT (*Cont'd*)
Acounting for Taxes Collected (*Cont'd*)
ment during investigation. Legislature to provide for enforcement of this provision. (Miss. V 125.)
Legislature to require accounting for all moneys collected by taxes, to be accounted for by system of accounting that shall be "uniform for each class of accounts, state and local, which shall be prescribed and audited by authority of the state". (Okla. X 30.)
Method of
County, town and city taxes to be payable only in lawful currency of United States or orders or warrants of said counties, towns and cities respectively. (Ark. XVI 10.)
Legislature may provide by law for payment of taxes on real property by instalments. (Cal. XIII 7.)
City and town taxes for current expenses and all licenses and occupation taxes levied to be "collected only in current money". (Tex. XI 4.)
Taxes on railroad property to be collected in several counties in which property is situated. (Tex. VIII 8.)
Taxes on property shall be paid in county where situated, but legislature may by two-thirds vote authorize payment of taxes of non-residents of counties to be made at office of comptroller of public accounts. Taxes on property lying in and owned by residents of unorganized counties shall be paid in the counties to which such unorganized counties shall be attached for judicial purposes. Taxes on lands lying in and owned by non-residents of unorganized counties and lands lying in territory not laid off into counties shall be collected at office of state comptroller. (Tex. VIII 11, 12.)
Remission or Postponement
Local or special legislation releasing taxes, forbidden. (W.Va. VI 39.)
Local or special legislation remitting taxes, forbidden. (N.M. IV 24.)
Taxes of indigent poor may be remitted or abated at such time and in such manner as provided by law. (Utah XIII 3.)
Legislature not to postpone payment of taxes, except in case of overflow, general conflagration, general destruction of crops or other public calamity. (La. 237.)
Statute of Limitations
Tax liens and privileges for taxes to lapse in three years from December 31 of year in which taxes levied. (La. 186.)
Not to run against any claim of state for taxation upon any property. (Va. XIII 174.)
Sale for Non-Payment
In General
No property to be exempt from sale for non-payment of taxes. (Kan. XV 9; Nev. IV 30; W.Va. VI 48; Wyo. XIX Homesteads 1.)

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TAXATION (*Cont'd*)

COLLECTION AND PAYMENT (*Cont'd*)

Sale for Non-Payment (*Cont'd*)

In General (*Cont'd*)

No property to be exempt from sale for non-payment of taxes or assessments. (Fla. X 1.)

No property to be exempt from attachment, levy or sale for taxes. (S.C. III 28.)

Sale for non-payment excepted from homestead exemption provisions. (Ga. IX Sec. II 1; N.C. X 2; Okla. XII 2; Tenn. XI 11; Tex. XVI 50.)

Exemption from sale for non-payment not to extend to execution, order or process issued for lawful claim for taxes, levies or assessments accruing after June 1, 1896. (Va. XIV 190–4.)

Legislature to provide by law for sale "of delinquent tax lands". (Miss. IV 79.)

Legislature to make provision for sale of all lands and other property upon which taxes have not been paid. (Tex. VIII 13.)

Real estate not to be sold for unpaid taxes or special assessment for state, county, municipal or other purposes except by a general county officer having authority to receive state and county taxes and upon the order of judgment of some court of record; legislature to provide for a return to such officer of unpaid taxes or assessments. (Ill. IX 4.)

To be no forfeiture of property for non-payment of state, levee district, parochial or municipal taxes, but at expiration of year for which due, collector shall, without suit, and after notice as provided by law, advertise for sale in official journal or if none, as provided by law for sheriffs' sales, the property on which taxes are due, in manner as prescribed for judicial sales and on day of sale he shall sell such portion of property as debtor points out, or if debtor does not point out sufficient property, he shall sell least quantity which any bidder will buy for amount of taxes, interest and costs. Sales to be without appraisement. Taxes on movables to be collected by seizure and sale of movable property whether it be property assessed or not, sale to be at public auction and under certain prescribed conditions, and to be absolute and without redemption. If collector can find no corporeal movables he may levy on incorporeal rights, or he may proceed in court to compel delivery for sale of property in possession or under control of debtor. (La. 233.)

All provisions of constitution relating to tax sales to apply to collection of parish, district, municipal, board and ward taxes. (La. 243.)

"The annual assessment made upon landed property shall be a special lien thereon and all property both real and

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TAXATION (*Cont'd*)

COLLECTION AND PAYMENT (*Cont'd*)

Sale for Non-Payment (*Cont'd*)

In General (*Cont'd*)

personal belonging to any delinquent taxpayer shall be liable to assessment and sale for the payment of all taxes and penalties due by such delinquent and such property may be sold for the payment of the taxes and penalties due by such delinquent under such regulations as the legislature may provide." (Tex. VIII 15.)

Where state has taken title and sells, the former owner shall receive excess of sum for which sold over taxes with interest at 12 per cent. per annum and costs of proceedings if claim be filed in circuit court within two years after sale. (W.Va. XIII 5.)

Redemption

Owners and persons interested in real estate sold for non-payment of taxes or special assessment of any character whatever to have right to redeem for not less than two years from date of sale. (Ill. IX 5; Nebr. IX 3.)

Legislature to provide for reasonable notice to owners and parties interested "by publication or otherwise" of the fact of sale of property for taxes or assessments, and of time of expiration of right of redemption. (Ill. IX 5.)

Occupants to be served with personal notice before time of redemption expires. (Ill. IX 5; Nebr. IX 3.)

Property sold to be redeemable within one year by payment of price, including costs, and 20 per cent. thereon. No judgment annulling tax sale to have effect until payment of price, and all taxes and costs, with 10 per cent. interest to be paid to purchaser provided that this shall not apply to sales annulled because tax had been paid prior to sale, or because of dual assessments. No sale to be set aside for any cause, except on proof of dual assessment or of payment prior to sale, "unless proceeding to annul is instituted within six months from service of notice of sale, which notice shall not be served until the time of redemption has expired, and within three years from date of recordation of the tax deed, if no notice is given" manner of notice and form of proceeding to quiet tax titles to be provided by law. (La. 233.)

"The right of redemption from all sales of real estate for the non-payment of taxes or special assessments, of any and every character whatsoever, shall exist, on conditions to be prescribed by law, in favor of owners and persons interested in such real estate for a period of not less than two years." (Miss. IV 79.)

Former owner to have two years from date of purchaser's deed for right to redeem the land upon payment double amount of money paid therefor. (Tex. VIII 13.)

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TAXATION (*Cont'd*)

COLLECTION AND PAYMENT (*Cont'd*)

Sale for Non-Payment (*Cont'd*)

Tax Titles

Deeds of sale by collectors of taxes to be received by courts in evidence as *prima facie* valid sales. (La. 233.)

Courts to apply same liberal principles in favor of tax titles as in sale by execution. (Miss. IV 79.)

Deed of conveyance to purchaser for lands and property sold to be held "to vest good and perfect title in the purchaser thereof subject to be impeached only for actual fraud". (Tex. VIII 13.)

Local or special legislation "authorizing deeds to be made for land sold for taxes" forbidden. (W.Va. VI 39.)

Forfeiture for Non-Payment

If taxes assessed against lands purchased from state for any year remain unpaid until first Monday in October of following year then contract of sale of such lands, if state board in charge of sales so declares, to be void. (N.D. Amend. XIII 158.)

Where for five years succeeding 1869, owner of any tract of land containing 1,000 acres or more shall not have been charged on county books with state tax thereon, then by operation of constitutional provisions the land is forfeited and title thereto vested in the state; but if during such five years owner has been charged with said tax on any part of such land, such part shall not be forfeited. (W.Va. XIII 6.)

If after one or more of five years during which taxes not paid and because of which land forfeited, the owner was infant, married woman, or insane person, such owner may until expiration of three years from removal of such disability have the land or his interest therein charged on the county books with all state and other taxes chargeable thereon from 1863 and every year thereafter with interest at rate of 10 per cent. and may pay all taxes and interest thereon and thereby redeem his land or interest therein. But this right to redeem shall not extend beyond 20 years from time land was forfeited. (W.Va. XIII 6.)

EXEMPTIONS

Laws Exempting — General Provisions

Laws exempting property other than that specified in the constitution to be void. (Colo. X 6; Ga. VII Sec. II 4; Ky. 170, Bill of Rights 3; Mo. X 7; Pa. IX 2; S.D. XI 7; Tex. VIII 1.)

Laws exempting property other than as provided by constitution to be void. (Ark. XVI 6.)

Exemptions in force when this amendment adopted to remain in force in same manner and to same extent until otherwise provided by statute. (N.D. XI 176, 1914.)

Legislature not to pass law exempting any property except as otherwise provided in constitution. (Okla. V 50.)

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TAXATION (*Cont'd*)
EXEMPTIONS (*Cont'd*)
Laws Exempting — General Provisions (*Cont'd*)
No property other than that mentioned in constitution to be exempt. (La. 230; Va. XIII 183.)
Legislature may allow such exemptions from time to time as seem necessary and just. (Ida. VII 5.)
Legislature may by general law provide for exemption of property other than that listed in the constitution. (Wash. VII 2; Wyo. XV 12.)
Legislature may by general laws exempt such property as in its opinion will best promote public welfare. (Del. VIII 1.)
Private, local or special legislation exempting property, forbidden. (Ala. IV 104; Cal. IV 25; Ida. III 19; La. 48; Minn. IV 33; Miss. IV 90; Mo. IV 53; Mont. V 26; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; Tex. III 56; Va. IV 63; Wyo. III 27.)
Private or local legislation exempting real and personal property forbidden except in revision commission bills. (N.Y. III 18, 23.)
Legislature not to declare an emergency in any bill regulating exemptions. (Ore. IX 1 a.)
Valuation of Exempt Property
Value of exempt property to be ascertained and published according to law. (Ohio XII 2.)
Agricultural and Horticultural Societies
Property used exclusively for may be exempted. (Mont. XII 2.)
Property used exclusively for, may be exempted by general law. (Ill. IX 3; Nebr. IX 2; S.D. XI 6.)
Real and personal property used exclusively for may be exempted by general law. (Mo. X 6.)
Agricultural Implements
Legislature may exempt. (N.C. V 5.)
Arms for Muster
Legislature may exempt. (N.C. V 5.)
Armories
Property or real estate belonging to military organization of state used for military purposes to be exempt while so used. (La. 230.)
Art — Works of
Paintings and statuary of any company or association kept in public hall and not held as merchandise or for purpose of sale or gain may be exempted by law when not used for purpose of private or corporate profit or income. (Ga. VII Sec. II 2.)
Paintings and statuary of company or association kept in public hall to be exempt when not leased for purpose of private or corporate profit or income. (La. 230.)
Books
To be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Books (*Cont'd*)

Legislature may exempt by law; provided property so exempted be not used for purposes of private or corporate profit or income. (Ga. VII; Sec. II 2.)

Bonds

Public debts evidenced by bonds of state, county, municipality or other subdivision to be exempt. (Ariz. IX 2.)

Issued after adoption constitution by state, county, "city and county", municipal corporation or district (including school, reclamation and irrigation districts) within state to be exempt. (Cal. XIII 1¾.)

Issued by city and county of San Francisco for Panama Exposition to be exempt from all taxes for state and municipal purposes. (Cal. XI 8a.)

Issued by state, county, municipality or district to be exempt. (N.M. VIII 3.)

Of state, city, village, hamlet, county or township in the state outstanding time adoption constitution or issued in behalf of public schools of state and means of instruction in connection therewith to be exempt. (Ohio XII 2.)

Obligations issued by state after February 14, 1882, "or hereafter exempted by law", to be exempt. (Va. XIII 183 a.)

Issued by Alameda county in aid of Panama Exposition to be exempt from all taxes for state, county and municipal purposes. (Cal. XI 18.)

Obligations issued by counties, cities or towns may be exempted by local authorities from local taxes. (Va. XIII 183.)

Cemeteries

To be exempt. (Ala. IV 91; Mo. X 6.)

Used exclusively as such to be exempt. (Ark. XVI 5.)

Not used or held for private or corporate profit to be exempt unless otherwise provided by general law. (Colo. X 5.)

May be exempted by law when not used for purposes of private or corporate profit or income. (Ga. VII Sec. II 2.)

Property used for cemetery purposes may be exempted by general law. (Ill. IX 3.)

Not used or held for private or corporate profit to be exempt. (Ky. 170; N.M. VIII 3; Utah XIII 3.)

Not used or held for private or corporate profit may be exempted by general laws. (Pa. IX 1; Tex. VIII 2.)

To be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)

Public burying grounds to be exempt. (Minn. IX 1.)

Property used exclusively for cemeteries not used or held for private or corporate profit may be exempted. (Mont. XII 2.)

Property used exclusively for cemetery purposes may be exempted by general law. (Nebr. IX 2.)

Legislature may exempt. (N.C. V 5; W. Va. X 1.)

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TAXATION (*Cont'd*)
EXEMPTIONS (*Cont'd*)
Cemeteries (*Cont'd*)
Property used exclusively for cemetery purposes to be exempted by general law. (N.D. XI 176; S.D. XI 6.)
May be exempted by general laws, subject to alteration and repeal. (Ohio XII 2.)
Property used for public cemeteries to be exempt. (Okla. X 6.)
Property of to be exempt; but as to real estate this exemption not to extend beyond buildings and premises actually occupied thereby "although connected with charitable objects". (S.C. X 4.)
Public burial grounds used exclusively for burial purposes not conducted for profit whether owned or managed by local authorities or private corporations to be exempt, but legislature may tax; does not include property of corporations or persons paying benefits on account of death, sickness or accident to members or other persons. Private family burial grounds not exceeding one acre reserved by will or deed or other sufficient evidence, and "so exclusively used" to be exempt, but legislature may tax. (Va. XIII 183.)
Lots with buildings thereon used exclusively for public cemeteries to be exempt. (Wyo. XV 12.)

Charity, Property Devoted to
Lots in incorporated cities or towns or within one mile thereof to the extent of one acre, and lots one mile or more distant from such cities or towns to the extent of five acres with buildings thereon, to be exempt when used exclusively for purposes purely charitable. (Ala. IV 91.)
Property of charitable associations or institutions not used or held for profit may be exempted by law. (Ariz. IX 2.)
Buildings, grounds and materials used exclusively for public charity to be exempt. (Ark. XVI 5.)
Lots with buildings thereon if buildings used solely and exclusively for strictly charitable purposes to be exempt unless otherwise provided by general law. (Col. X 5.)
Property may be exempted by law for charitable purposes. (Fla. IX 1; Ind. X 1; Nev. X 1; Ore. X 1; S.C. X 1.)
Property of corporations formed for charitable purposes may be exempted by law. (Nev. VIII 2.)
Property of all charitable institutions in nature of asylums for infirm, deaf, dumb, blind, idiotic and indigent persons except where profits of such institutions are applied to private uses, to be exempt; but property of associations and societies "although connected with charitable objects" not to be exempt from state, county and municipal taxation; and as to real estate this exemption not to extend beyond buildings and premises actually occupied by institutions "though connected with charitable objects". (S.C. X 4.)

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Charity, Property Devoted to (*Cont'd*)

Institution of purely public charity may be exempted by law when not used for purposes of private or corporate profit or income. (Ga. VII Sec. II 2.)

Property used exclusively for charitable purposes may be exempted by general law. (Ill. IX 3; Nebr. IX 2.)

Property used exclusively for charitable or benevolent purposes to be exempt. (Kan. XI 1.)

Institutions of purely public charity to be exempt. (Ky. 170; Minn. IX 1.)

Charitable institutions to be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)

Lots in incorporated cities or towns, or within one mile of limits thereof to extent of one acre and lots one mile or more distant from such cities or towns to extent of five acres with the buildings when used exclusively for purposes purely charitable "may be exempted" by general law. (Mo. X 6.)

Property used exclusively for institutions of purely public charity may be exempted. (Mont. XII 2.)

All property used for charitable purposes to be exempt. (N.M. VIII 3.)

Property held for charitable purposes may be exempted by law. (N.C. V 5.)

Property used exclusively for charitable purposes to be exempted by general law. (N.D. XI 176; S.D. XI 6.)

Institutions used exclusively for charitable purposes may be exempted by general laws, subject to alteration and repeal. (Ohio XII 2.)

Property used exclusively for charitable purposes and property owned by specified institutions so long as used exclusively for free homes or schools for orphan children and for poor and indigent persons and all other orphan homes and "their charitable funds" to be exempt. (Okla. X 6.)

Institutions of purely public charity may be exempted by general laws. (Pa. IX 1; Tex. VIII 2.)

Property held and used for purposes purely charitable may be exempted. (Tenn. II 28.)

Lots and buildings thereon used exclusively for charitable purposes to be exempt. (Utah XIII 3.)

Real estate belonging to and exclusively used by, and personal property including endowment funds belonging to Young Men's Christian Association and similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries which are not conducted for profit, but purely and completely as charities, to be exempt; but legislature may tax. Buildings or land leased or a "source of revenue or profit" to be liable to taxation as other land or buildings in same county, city or town. (Va. XIII 183 e.)

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TAXATION (*Cont'd*)
EXEMPTIONS (*Cont'd*)
Charity, Property Devoted to (*Cont'd*)
Buildings with land they occupy and furniture and furnishings belonging to benevolent or charitable associations and used exclusively for lodge purposes or meeting rooms of such associations together with adjacent land necessary for convenient use of buildings, to be exempt; but legislature may tax. Buildings or land leased or a "source of revenue or profit" to be liable to taxation as other land or building in same county, city or town. Exemption does not include property of corporations or persons paying benefits on account of death, sickness or accident to members or other persons. (Va. XIII 183 f.)
Property used for charitable purposes may be exempted by law. (W.Va. X 1.)
Churches, *See below, this subdivision,* RELIGION, PROPERTY DEVOTED TO.
City Property
To be exempt. (Ida. VII 4; Mont. XII 2; N.M. VIII 3; N.D. XI 176; Utah XIII 3; Wyo. XV 12.)
Belonging to "city and county" to be exempt, but lands and improvements thereon located outside the city and county and which were subject to taxation at the time of their acquisition by the city and county not to be exempt; but improvements subsequently constructed on such lands to be exempt. (Cal. XIII 1.)
Real and personal to be exempt. (Colo. X 4.)
Held by cities and "used exclusively for public or corporation purposes" may be exempted. (Tenn. II 28.)
Held only for public purposes such as public buildings and sites therefor, fire engines and "furniture thereof", and all property used or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public, to be exempt. (Tex. XI 9.)
Owned by city and used exclusively for city purposes, to be exempt; buildings or land leased or "a source of revenue" not to be exempt. (Va. XIII 183 a.)
Corporations
Shares of capital stock of corporations, created under laws of this state, when owned by persons or corporations "without this state" not to be subject to taxation by any law now existing or hereafter made. (Del. IX 6.)
Capital, surplus and personal estate of corporations organized in state after specified date solely for purpose of lending money on mortgages on country property in state at not exceeding 6 per cent. "with power to negotiate bonds and securities issued by the various parishes and local districts and municipalities of the state" to be exempt for 20 years from date of their organization provided such companies have full paid cash capital of not less than $250,000; company to forfeit this

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Corporations (*Cont'd*)

exemption if it charges more than 6 per cent. or if it negotiate or handles other securities than those named herein; state examiner of banks to report to attorney-general violations of this exemption. (La. 230.)

Steamship companies, their capital stock and all property corporeal and incorporeal to be exempt from "taxes and licenses, state, parish, levee and municipal both general and special" for 15 years from date of filing proof that capital is full paid in cash; companies to have benefit of this exemption must comply with conditions specified in detail; exemption not to include leased property or chartered ships nor vessels in the coast trade or in foreign trade not touching Louisiana ports. (La. 230.)

Surrender of claim to exemption to be condition of benefit of any change by general or special act in existing charters, and acceptance of benefit of such change to be conclusive presumption of surrender of such exemption from taxation and such corporation thereafter to be subject to taxation as if no such exemption ever granted. (Md. III 48.)

Exemptions to which corporations legally entitled at adoption of constitution to remain in effect for the time of such exemptions expressed in the corporate charter or by general laws "unless sooner repealed by the legislature". (Miss. VII 181.)

County Property

To be exempt. (Ariz. IX 2; Ida. VII 4; Mont. XII 2; N.M. VIII 3; N.D. XI 176; Okla. X 6; Wash. VII 2; Wyo. XV 12.)

Real and personal to be exempt. (Ala. IV 91; Colo. X 4; Mo. X 6; Nebr. IX 2; S.D. XI 5.)

Real and personal property of may be exempted by general law. (Ill. IX 3.)

Used exclusively for public purposes and not for revenue to be exempt. (S.C. X 4.)

Property used exclusively for county purposes to be exempt. (Kan. XI 1.)

Owned by county and used exclusively for county purposes, to be exempt; buildings or land leased or "a source of revenue" not to be exempt. (Va. XIII 183 a.)

Property belonging to county or to "city and county" to be exempt; but lands and improvements thereon located outside the county which were subject to taxation at the time of their acquisition by the county not to be exempt; but improvements subsequently constructed on such land to be exempt. (Cal. XIII 1.)

Property held by county and "used exclusively for public or corporation purposes" may be exempted. (Tenn. II 28.)

Held only for public purposes such as public buildings and sites therefor, fire engines and "furniture thereof", and all prop-

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

County Property (*Cont'd*)

erty used or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public, to be exempt. (Tex. XI 9.)

Debts

No tax to be assessed upon any debt for rent or hire of real or personal property while owned by landlord or hirer during current year of such rental or hire, if such real or personal property be assessed at its full value. (Ala. XI 211.)

Disabled Persons, Property of

There shall be exempt from taxation property to value of $200 "to every person that has lost a limb or been disabled in war or misfortune". (Fla. IX 9.)

Drainage, *See below, this subdivision,* IRRIGATION.

Education, Property Devoted to

Lots in incorporated cities or towns or within one mile thereof to the extent of one acre, and lots one mile or more distant from such cities or towns to the extent of five acres with buildings thereon, to be exempt when used exclusively for schools. (Ala. IV 91.)

Property of educational institutions and associations not used or held for profit may be exempted by law. (Ariz. IX 2.)

"Libraries and grounds used exclusively for school purposes"; and school buildings and apparatus to be exempt. (Ark. XVI 5.)

Property used exclusively for public schools to be exempt. (Cal. XIII 1.)

Buildings, equipment, grounds on which buildings located not exceeding 100 acres, securities and income of any educational institution of collegiate grade within state not conducted for profit, used exclusively for purposes of education to be exempt. (Cal. XIII 1a.)

Property belonging to specified educational institutions to be exempt; but legislature may modify, suspend and "revive" this exemption. (Cal. IX 12.)

Lots with buildings thereon if buildings used solely and exclusively for school purposes to be exempt unless otherwise provided by general law. (Colo. X 5.)

Real and personal property used for school purposes to be exempt from taxes and assessments for public purposes, where tuition is free. (Del. X 3.)

Property may be exempted by law for educational purposes. (Fla. IX 1; Ind. X 1; Nev. X 1; Ore. X 1; S.C. X 1.)

Property of corporations formed for educational purposes may be exempted by law. (Nev. VIII 2.)

Property of schools, colleges and institutions of learning to be exempt; but as to real estate this exemption is not to extend

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Education, Property Devoted to (*Cont'd*)

beyond buildings and premises actually occupied by such institution "although connected with charitable objects". (S.C. X 4.)

Buildings erected for and used as college, incorporated academy or other seminary of learning, may be exempted by law when not used for purposes of private or corporate profit or income. (Ga. VII Sec. II 2.)

Property used exclusively for school purposes may be exempted. (Ill. IX 3; Nebr. IX 2.)

Property used exclusively for educational purposes to be exempt. (Kan. XI 1.)

Educational institutions not used for gain by any person or corporation and income of which is devoted solely to education, to be exempt. (Ky. 170.)

All buildings and property used exclusively for colleges and other school purposes to be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)

Colleges, universities, academies and seminaries of learning, and public school houses to be exempt. (Minn. IX 1.)

Lots in incorporated cities or towns, or within one mile of limits thereof to extent of one acre and lots one mile or more distant from such cities or towns to extent of five acres with the buildings when used exclusively for schools "may be exempted" by general law. (Mo. X 6.)

School district property to be exempt. (Mont. XII 2; N.M. VIII 3; Utah XIII 3; Wash. VII 2; Wyo. XV 12.)

Property used exclusively for educational purposes may be exempted. (Mont. XII 2.)

All property used for educational purposes to be exempt. (N.M. VIII 3.)

Property held for educational purposes may be exempted. (N.C. V 5.)

Property used exclusively for school purposes to be exempted by general law. (N.D. XI 176; S.D. XI 6.)

Public school houses may be exempted by general laws, subject to alteration and repeal. (Ohio XII 2.)

Property used exclusively for schools and colleges to be exempt. (Okla. X 6.)

Property held and used for purposes purely educational may be exempted. (Tenn. II 28.)

"Buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools" may be exempted by general law. Endowment funds of institutions of learning not used "with a view to profit and when invested in bonds or mortgages or in land or other property bought in by such institution under foreclosure sale to protect such bonds or mortgages" may be exempted by

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Education, Property Devoted to (*Cont'd*)

general law; but the exemption of land and property so bought in to continue only for two years after its purchase. (Tex. VIII 2.)

Property owned by school district and used exclusively for public school purposes, to be exempt; buildings or land leased or "a source of revenue" not to be exempt. (Va. XIII 183 a.)

Buildings and land they actually occupy and furniture, furnishings, books and instruments therein "wholly devoted to educational purposes" belonging to and exclusively used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries or other incorporated institutions of learning including Virginia Historical Society "which are not incorporations having shares of stock or otherwise owned by individuals or other corporations", together with adjacent lands owned by such churches, libraries and educational institutions as may be reasonably necessary for convenient use of such buildings; also buildings thereon used as residences by officers or instructors; also permanent endowment funds held by such libraries and educational institutions directly or in trust and not invested in real estate; provided such libraries and educational institutions are not conducted for profit of any person or corporation "under any guise or pretense whatsoever" to be exempt, but legislature may tax. This exemption not to apply to industrial schools not the property of the state which do work for compensation, or manufacture and sell articles in the community in which located; but this not to restrict such school from doing work for or selling its own products, or other articles to its students or employees. Buildings or land leased or a "source of revenue or profit" to be liable to taxation as other land or buildings in same county, city or town. (Va. XIII 183 d.)

Property used for educational purposes may be exempted by law. (W.Va. X 1.)

Expositions

No tax, license fee or charge of any kind to be levied or assessed against property of Panama Exposition or property used as or in connection with exhibits. (Cal. IV 22.)

Family Supplies

For home and farm use to be exempt until otherwise directed by two-thirds vote of members elect of both houses. (Tex. VIII 19.)

Farm Products

Growing crops to be exempt. (Cal. XIII 1; Okla. X 6.)

Legislature may exempt "farm products including baled cotton, grown in this state and remaining in the hands of the producer, but not longer than for the year next after their production". (Ga. VII, Sec. II 2.)

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Farm Products (*Cont'd*)

Crops in the hands of the producer grown in the year in which assessment made to be exempt. (Ky. 170.)

Legislature to exempt direct products of soil in hands of producer and his immediate vendee. (Tenn. II 28.)

To be exempt in hands of producer until otherwise directed by two-thirds vote of members elect of both houses. (Tex. VIII 19.)

Federal Property, *See below, this subdivision,* UNITED STATES, PROPERTY OF.

Forests

Areas devoted exclusively to, may be exempted in whole or in part. (Ohio II 36.)

Inheritances

Portion of each estate not exceeding $20,000 may be exempt. (Ohio XII 7.)

Grape Vines

Under age of three years from time of "planting in vineyard form" to be exempt; and nothing in article to be construed to subject such grape vines to taxation. (Cal. XIII 12¾.)

Horticultural Societies, *See above, this subdivision,* AGRICULTURAL AND HORTICULTURAL SOCIETIES.

Hospitals

If public to be exempt. (Minn. IX 1.)

Property used exclusively for may be exempted. (Mont. XII 2.)

Improvements on Land

Legislature may exempt limited amount of. (Ida. VII 2.)

Income

Part not exceeding $3,000 may be exempt. (Ohio XII 8.)

Indian Lands

Lands owned by Indians under grants from Congress exempting such lands to be exempt so long and to such extent as may be provided by act of Congress making grant. This irrevocable without consent of United States. (Ariz. XX Fifth; Mont. Ord. No. 1 (2); N.M. XXI 2; N.D. XVI 203 (2); S.D. XXII (2); XXVI 18 (2); Utah III (2); Wash. XXVI (2); Wyo. Ord. 3.)

Property exempted by treaties between United States and Indians or by Federal laws to be exempt during force and effect of such treaties or laws. (Okla. X 6.)

Insurance

Legal reserve of life insurance companies organized under laws of state to be exempt. (La. 230.)

Irrigation

Capital stock, franchises and property of corporations constructing, owning and operating canal system for irrigation, navigation and power purposes, completed within five years, and

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TAXATION. (*Cont'd*)
EXEMPTIONS (*Cont'd*)
Irrigation (*Cont'd*)
upon which $3,000,000 has been expended in construction, to be exempt for 10 years from date of completion. (La. Amend. Act 90 of 1914.)
"Community ditches and all laterals thereof" for irrigation and drainage to be exempt. (N.M. VIII 3.)

Libraries
"Libraries and grounds used exclusively for school purposes" to be exempt. (Ark. XVI 5.)
Property used for free public to be exempt. (Cal. XIII 1; Okla. X 6.)
Real and personal property of public to be exempt. (Colo. X 4.)
Real and personal estate of public, may be exempted by law when not used for purposes of private or corporate profit or income. (Ga. VII Sec. II 2.)
Property of public, to be exempt. (Ida. VII 4; Utah XIII 3; Wyo. XV 12.)
Public, to be exempt. (Ky. 170; N.M. VIII 3.)
Endowment and income of property used exclusively for maintenance of public to be exempt. (Ky. 170.)
Real and personal estate of any public library and that of any library association used by or connected with such library and all buildings and property used exclusively for historical collections to be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)
Legislature may exempt. (N.C. V 5.)
Property of public to be exempt; but as to real estate this exemption not to extend beyond buildings and premises actually occupied thereby "although connected with charitable objects". (S.C. X 4.)

Literary Purposes, Property Devoted to
Property may be exempted by law for. (Fla. IX 1; Ind. X 1; Nev. X 1; Ore. X 1; S.C. X 1.)
Real and personal estate of literary association used by or in connection with public library may be exempted by law when not used for purposes of private or corporate profit or income. (Ga. VII Sec. II 2.)
Property used exclusively for to be exempt. (Kan. XI 1.)
Legislature may exempt property held for. (N.C. V 5.)
Property held and used for purposes purely literary may be exempted. (Tenn. II 28.)
Property belonging to specified literary and scientific societies and associations to be exempt, but legislature may tax. Buildings or land leased or a "source of revenue or profit" to be liable to taxation as other land or building in same county, city or town. (Va. XIII 183 g.)
Property used for may be exempted by law. (W.Va. X 1.)

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Loans

See also below, this subdivision, MORTGAGES.

Loans by life insurance companies to policy holders solely on security of their policies and the notes evidencing such loans to be exempt, provided rate of interest on such loans does not exceed 5 per cent. per annum discount. (La. 230.)

Loans of homestead associations or societies to their members secured by stock of association or society to be exempt. (La. Amend. Act 52 of 1914.)

Manufacturing

Legislature may by general law exempt for "term of seven years from the ratification of this constitution" (1874) the capital invested in any kind of manufacturing business in the state under such regulations and restrictions as may be prescribed by law. (Ark. X 3.)

Legislature may authorize incorporated cities and towns to exempt manufacturing establishments from municipal taxation for a period not exceeding five years "as an inducement to their location". (Ky. 170.)

"Legislature may grant exemption from taxation in the encouragement of manufactures and other new enterprises of public utility extending for a period not exceeding five years; but the time of such exemptions to commence from date of charter, if to a corporation and if to an individual enterprise then from the commencement of work"; but when legislature grants such exemptions for period of five years or less it shall be done by general laws which shall distinctly enumerate classes of manufactures and other public utility enterprises entitled to exemptions and shall prescribe mode and manner of determining right to such exemption. (Miss. VII 182.)

General laws to authorize exemptions by cities and towns of all property used for manufactories, within their limits from municipal taxation for a period not longer than 10 years. Purpose stated to aid and encourage establishment of such works. (Miss. VII 192.)

Legislature may authorize any incorporated city or town by majority vote of its electors in favor thereof to exempt manufacturing establishments from municipal taxation for not exceeding five years as an inducement to their location. (Okla. X 6.)

Cities and towns may exempt by general or special ordinance, except for school purposes, manufactories established within limits thereof for five successive years from establishing such manufactories. Ordinance to be ratified by majority of qualified electors voting at election held for purpose. (S.C. VIII 8.)

"No article manufactured of the produce of this state shall be taxed otherwise than to pay inspection fees." (Tenn. II 30.)

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Mechanical Implements

Legislature may exempt. (N.C. V 5.)

Mining Capital

Legislature may by general law exempt for "term of seven years from the ratification of this constitution" (1874) the capital invested in any kind of mining business in the state under such regulations and restrictions as may be prescribed by law. (Ark. X 3.)

Money

All money in hand or on deposit to be exempt. (La. Amend. Act 52 of 1914.)

Monuments

Buildings and property used exclusively for public monuments to be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)

Mortgages

See also above, this subdivision, CORPORATIONS.

"A mortgage, deed of trust, contract or other obligation" securing a debt for the payment of which land is pledged as security "together with the money represented by such debt" not to be considered property subject to taxation. (Cal. XIII 1.)

Loans on mortgages on real estate situated in state and the mortgages to secure such loans and the notes, bonds or other instruments evidencing such loans whether in hands of mortgagee or his assignee to be exempt. (La. 230.)

On real and personal property to be exempt. (Utah XIII 3.)

Municipal Corporation Property

To be exempt. (Ariz. IX 2; Ida. VII 4; Mont. XII 2; N.M. VIII 3; N.C. V 5; N.D. XI 176; Okla. X 6; Utah XIII 3; Wash. VII 2; Wyo. XV 12.)

Real and personal to be exempt. (Ala. IV 91; Colo. X 4; Mo. X 6; Nebr. IX 2; S.D. XI 5.)

Property used exclusively for municipal purposes to be exempt. (Kan. XI 1.)

"Municipal property" to be exempt if used exclusively for public purposes and not for revenue. (S.C. X 4.)

To be exempt; but lands and improvements thereon located outside the municipality and which were subject to taxation at the time of their acquisition by the municipality not to be exempt; but improvements subsequently constructed on such land to be exempt. (Cal. XIII 1.)

Real and personal may be exempted by general law. (Ill. IX 3.)

May be exempted by law. (Nev. VIII 2.)

Property may be exempted by law for municipal purposes. (Fla. IX 1; Ind. X 1; Nev. X 1; Ore. X 1; S.C. X 1.)

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Museums

If free, property used for to be exempt. (Cal. XIII 1; Okla. X 6.)

All property belonging to specified institution for "maintenance of a free museum to be exempt; but legislature may modify, suspend and "revive" this exemption. (Cal. IX 12.)

All buildings and property used exclusively for historical collections to be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)

Personal Property

Of householders to amount of $100 to be exempt. Articles selected by them. (Cal. XIII 10½.)

Of head of family to extent of $200 to be exempt. (Colo. X 3.)

To amount of at least $200 for each family, to be exempt. (Kan. XI 1.)

Of person with family not exceeding $250 to be exempt. (Ky. 170.)

Household and kitchen furniture to value of $500 to be exempt. (La. 230.)

Of each household, individual or head of a family, not exceeding $200 in value, may be exempted. (Minn. IX 1.)

Legislature may exempt household and kitchen furniture. Legislature may exempt personal property to amount not exceeding $300. (N.C. V 5.)

Of each "head of family", to amount of $200, may be exempted by legislature. (N.M. VIII 5.)

Legislature to exempt by general law, not exceeding $200, for each individual liable to taxation. (N.D. XI 176; S.D. XI 6.)

Of each individual, not exceeding $500, may be exempted by general laws subject to alteration and repeal. (Ohio XII 2.)

Of all ex-Union and ex-Confederate soldiers *bona fide* residents of state and their widows who are heads of families and *bona fide* residents of state, not exceeding $200, to be exempt. Household goods of "heads of families" and tools, implements and live stock employed in support of family, not exceeding $100, to be exempt. (Okla. X 6.)

Legislature to exempt $1,000 worth in hands of each taxpayer. (Tenn. II 28.)

Household and kitchen furniture of each family in state to be exempt to amount of $250. (Tex. VIII 1.)

Of each head of family liable to assessment and taxation under the laws of state "of which the individual is the actual *bona fide* owner" to the amount of $300 may be exempted. (Wash. VII 2.)

Public Property

To be exempt if used for public purposes. (Ky. 170.)

To be exempt if used exclusively for public purpose. (Ark. XVI 5; Minn. IX 1.)

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TAXATION (*Cont'd*)
EXEMPTIONS (*Cont'd*)
Public Property (*Cont'd*)
To be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)
May be exempted by law when not used for purposes of private or corporate profit or income. (Ga. VII Sec. II 2.)
Property used exclusively for public purposes may be exempted by general law. (N.D. XI 176.)
May be exempted by general laws subject to alteration and repeal if used exclusively for public purposes. (Ohio XII 2.)
May be exempted by general laws if used for public purposes. (Pa. IX 1; Tex. VIII 2.)
May be exempted by law. (W.Va. X 1.)
Public Utilities
"Legislature may grant exemption from taxation in the encouragement of manufactures and other new enterprises of public utility extending for a period not exceeding five years; but the time of such exemptions to commence from date of charter if to a corporation and if to an individual enterprise then from the commencement of work"; but when legislature grants such exemptions for period of five years or less it shall be done by general laws which shall distinctly enumerate classes of manufactures and other public utility enterprises entitled to exemptions and shall prescribe mode and manner of determining right to such exemption. (Miss. VII 182.)
General laws to authorize exemptions by cities and towns of all property used for gas works, water works and other enterprises of public utility other than railroads within their limits from municipal taxation for a period not longer than 10 years. Purpose stated to aid and encourage establishment of such works. (Miss. VII 192.)
Legislature may authorize any incorporated city or town by majority vote of its electors in favor thereof to exempt public utilities from municipal taxation for not exceeding five years as an inducement to their location. (Okla. X 6.)
Railroads
Any railroad or part of railroad constructed between 1905 and 1909 to be exempt for period of 10 years whether same remain property of present owner or be assigned to others; detailed provisions specifying limits of this exemption and excluding from it depots, warehouses and other structures at terminal points. (La. 230.)
Religion, Property Devoted to
Lots in incorporated cities or towns or within one mile thereof to the extent of one acre, and lots one mile or more distant from such cities or towns to the extent of five acres with buildings thereon, to be exempt when used exclusively for religious worship. (Ala. IV 91.)

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Religion, Property Devoted to (*Cont'd*)

Property of religious associations or institutions not used or held for profit may be exempted by law. (Ariz. IX 2.)

Churches used as such to be exempt. (Ark. XVI 5.)

"All buildings and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings" when used exclusively for religious worship to be exempt; but buildings rented for religious purposes and rent received by owner thereof, not to be exempt. (Cal. XIII 1½.)

Property belonging to specified institution "for the advancement of science" to be exempt; but legislature may modify, suspend and "revive" this exemption. (Cal. IX 12.)

Lots with buildings thereon if buildings used exclusively for religious purposes to be exempt, unless otherwise provided by general law. (Colo. X 5.)

Property may be exempted by law for religious purposes. (Fla. IX 1; Ind. X 1; Ore. X 1; S.C. X 1.)

Church and parsonage property to be exempted; but as to real estate this exemption not to extend beyond buildings and premises actually occupied thereby "although connected with charitable objects". (S.C. X 4.)

Places of religious worship may be exempted by law when not used for purposes of private or corporate profit or income. (Ga. VII Sec. II 2.)

Property used exclusively for religious purposes may be exempted by general law. (Ill. IX 3; Nebr. IX 2; N.D. XI 176; S.D. XI 6.)

Property used exclusively for religious purposes to be exempt. (Kan. XI 1; Okla. X 6.)

Places actually used for religious worship "with the grounds attached thereto and used and appurtenant to the house of worship" not exceeding one-half acre in cities and towns, or two acres in the country, to be exempt. Parsonages owned by religious society and occupied solely as home by minister, with appurtenant ground not exceeding one-half acre in towns and cities, and two acres in country, to be exempt. (Ky. 170.)

Places of religious worship, rectories and parsonages or churches and grounds appurtenant used exclusively as residences for ministers in charge of such churches to be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)

All church property to be exempt. (Minn. IX 1; N.M. VIII 3.)

All churches and houses of worship to be exempt. (Minn. IX 1.)

Lots in incorporated cities or towns, or within one mile of limits thereof to extent of one acre and lots one mile or more distant from such cities or towns to extent of five acres with the

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TAXATION (*Cont'd*)
EXEMPTIONS (*Cont'd*)
Religion, Property Devoted to (*Cont'd*)
buildings used exclusively for religious worship "may be exempted" by general law. (Mo. X 6.)
Property used exclusively for places for actual religious worship may be exempted. (Mont. XII 2.)
Property of corporations formed for religious purposes may be exempted by law. (Nev. VIII 2.)
Property held for religious purposes may be exempted by law. (N.C. V 5.)
Houses used exclusively for public worship may be exempted by general laws, subject to alteration and repeal. (Ohio XII 2.)
Actual places of religious worship may be exempted by general laws. (Pa. IX 1; Tex. VIII 2.)
Endowment funds of institutions of religion "not used with a view to profit" and when invested in bonds or mortgages or in land or other property bought in by such institution under foreclosure sale to protect such bonds or mortgages may be exempted by general law; but the exemption of land and property so bought in to continue only for two years after its purchase. (Tex. VIII 2.)
Property held and used for purposes purely religious may be exempted. (Tenn. II 28.)
Lots with buildings thereon used exclusively for religious worship to be exempt. (Utah XIII 3; Wyo. XV 12.)
Lots with buildings thereon used exclusively for "church personages" (parsonages) to be exempt. (Wyo. XV 12.)
Buildings with land they actually occupy and furniture and furnishings therein, lawfully owned by churches or religious bodies and wholly and exclusively used for religious worship or for residence of minister, together with adjacent land reasonably necessary for convenient use of such building, to be exempt; but legislature may tax. Buildings or land leased or a "source of revenue or profit." to be liable to taxation as other land or building in same county, city or town. (Va. XIII 183 b.)
Real estate belonging to and exclusively used by, and personal property including endowment funds belonging to Young Men's Christian Association and similar religious associations and nunneries, which are not conducted for profit but purely and completely as charities, to be exempt; but legislature may tax. Buildings or land leased or "a source of revenue or profit" to be liable to taxation as other land or building in same county, city or town. (Va. XIII 183 e.)
Property used for religious purposes may be exempted by law. (W.Va. X 1.)
Schools, *See above, this subdivision,* EDUCATION — PROPERTY DEVOTED TO.

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TAXATION (*Cont'd*)

EXEMPTIONS (*Cont'd*)

Scientific Instruments

Legislature may exempt. (N.C. V 5.)

Philosophical apparatus may be exempted by law provided not used for purposes of private or corporate profit or income. (Ga. VII Sec. II 2.)

Philosophical apparatus to be exempt when not leased for purposes of private or corporate profit or income. (La. 230.)

Scientific Purposes, Property Devoted to

Property may be exempted by law for. (Fla. IX 1; Ind. X 1; Nev. X 1; Ore. X 1; S.C. X 1.)

Property used exclusively for, to be exempt. (Kan. XI 1.)

Property held for may be exempted. (N.C. V 5.)

Property held and used for purposes purely scientific may be exempted. (Tenn. II 28.)

Property used for may be exempted by law. (W.Va. X 1.)

State Property

To be exempt. (Ariz. IX 2; Cal. XIII 1; Ida. VII 4; Mont. XII 2; N.M. VIII 3; N.C. V 5; Okla. X 6; Utah XIII 3; Wash. VII 2; Wyo. XV 12.)

Real and personal to be exempt. (Ala. IV 91; Colo. X 4; Mo. X 6; Nebr. IX 2; S.D. XI 5.)

Property used exclusively for state purposes to be exempt. (Kan. XI 1.)

Directly or indirectly owned by state however held to be exempt. (Va. XIII 183 a.)

Real and personal may be exempted by general law. (Ill. IX 3.)

Property held by state and "used exclusively for public or corporation purposes" may be exempted. (Tenn. II 28.)

Steamship Companies, *See above, this subdivision,* CORPORATIONS.

Stocks, *See above, this subdivision,* CORPORATIONS.

Territorial Laws, Property Exempt Under

All property not specified in the exemption provisions of constitution but exempt under laws of territory to be exempt until otherwise provided by law. (Ida. VII 5; Okla. X 6.)

Town Property

To be exempt. (Ida. VII 4; Mont. XII 2; N.M. VIII 3; Utah XIII 3; Wyo. XV 12.)

Real and personal to be exempt. (Colo. X 4.)

Held only for public purposes such as public buildings and sites therefor, fire engines and "furniture thereof", and all property used or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public, to be exempt. (Tex. XI 9.)

Owned by town and used exclusively for town purposes, to be exempt; buildings or land leased or "a source of revenue" not to be exempt. (Va. XIII 183 a.)

Property held by towns and used exclusively for public or corporation purposes may be exempted. (Tenn. II 28.)

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TAXATION (*Cont'd*)
EXEMPTIONS (*Cont'd*)
Township Property
Used exclusively for public purposes and not for revenue to be exempt. (S.C. X 4.)
Trees
Fruit and nut bearing trees under four years of age from time of "planting in orchard form" to be exempt; but nothing in article to be construed to subject such trees to taxation. (Cal. XIII 12¾.)
United States, Property of
To be exempt. (Cal. XIII 1; Ida. VII 4; Mo. XIV 1; Mont. XII 2; N.M. VIII 3; N.D. XI 176; Okla. X 6; Utah XIII 3; Wash. VII 2; Wyo. XV 12.)
Real and personal to be exempt. (S.D. XI 5.)
Federal property to be exempt. (Ariz. IX 2.)
No tax to be imposed on lands of United States. (Minn. II 3; Wis. II 2.)
No taxes to be imposed by state on lands or property belonging to or purchased after adoption of constitution by the United States. (Nev. Ord. III (3).)
No taxes to be imposed on lands or property belonging to or purchased by United States or reserved for its use after adoption constitution. This irrevocable without consent of United States. (Ariz. XX Fifth; Ida. XXI 19; Mont. Ord. No. 1 (2); N.M. XXI 2; N.D. XVI 203 Second; Okla. I 3; S.D. XXII Second, XXVI 18 Second; Utah III (2); Wash. XXVI (2); Wyo. Ord. 3.)
Vessels
See also above, this subdivision, CORPORATIONS.
Of more than 50 tons burden registered at any port in state and engaged in transportation freight or passengers, exempt from taxation except for state purposes until January 1, 1935. (Cal. XIII 4.)
War Veterans — Property of
To amount of $1,000 to be exempt to honorably discharged soldiers, sailors or marines who saw service in time of war, or their widows, fathers or mothers if claimant is legal resident of state; if veteran does not have so much property, then so much of his wife's property as may equal $1,000; but not if person claiming this exemption owns $5,000 worth of property, or in case of veteran claimant, if his wife owns that amount of property. (Cal. XIII 1¼.)
Widow's Property
Not exceeding $1,000 shall be exempt to resident widows whose total assessment does not exceed $2,000. (Ariz. IX 2.)
To value of $200 shall be exempt in case of widow having family dependent on her for support. (Fla. IX 9.)
Wearing Apparel
Legislature may exempt. (N.C. V 5.)

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TAXATION (*Cont'd*)

UNIFORMITY

"Rule of taxation shall be uniform." (Wis. VIII 1.)

Legislature to tax by uniform rule. (Ohio XII 2.)

"All taxation shall be equal and uniform. All taxes shall be uniform on all property." (S.D. VI 17, XI 2.)

All taxation to be "equal and uniform". (Ore. I 32; Tex. VIII 1; Wyo. I 28.)

"Taxation shall be uniform and equal throughout state." (Miss. IV 112; W.Va. X 1.)

All property subject to taxation to be taxed according to its value, "making the same equal and uniform throughout the state". (Ark. XVI 5.)

Property to be taxed according to value "so that taxes shall be equal and uniform throughout the state". (Tenn. II 28.)

Taxes levied by any county, city, town or township to be uniform and *ad valorem* upon all property except property exempted by constitution. (N.C. VII 9.)

Legislature to provide by law uniform rule of taxation except on property paying specific tax. (Mich. X 3.)

Legislature to provide uniform rule of taxation for property assessed by state board of assessors, and the rate to be rate which board determines as average rate levied upon other property upon which *ad valorem* taxes are assessed for city, county, township, school and municipal purposes. (Mich. X 3.)

All taxes shall be uniform upon the same class of subjects. (Ga. VII Sec. II 1; Minn. IX 1; N.M. VIII 1; Okla. X 5.)

Taxes to be uniform on same class of subjects within territorial limits of authority levying. (Ariz. IX 1; Colo. X 3; Del. VIII 1; Ida. VII 5; Ky. 171; Mo. X 3; Mont. XII 11; Pa. IX 1.)

Taxes to be uniform upon same class of property including franchises within territorial limits of authority levying. (N.D. XI 176.)

All taxes to be "*ad valorem* on all property subject to be taxed" within territorial limits authority levying. (Ga. VII Sec. II 1.)

Taxation to be equal and uniform through territorial limitation of authority levying tax and all property to be taxed in proportion to value ascertained as directed by law. Legislature to provide system of equality and uniformity in assessments based on relative value of property in different parts of state. (La. 225.)

All taxes whether state, local or municipal, to be uniform upon same class of subjects within territorial limits of authority levying tax. (Va. XIII 168.)

Taxes imposed by municipal corporations for corporate purposes other than local improvements required to be uniform in respect to persons and property within the jurisdiction of the body imposing. (Ill. IX 9; Nebr. IX 6.)

Taxes assessed by corporate authorities of counties, townships, school districts, cities, towns and villages for corporate purposes to be uniform in respect to persons and property within jurisdiction of body imposing. (S.C. VIII 6, X 5.)

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TAXATION (*Cont'd*)

UNIFORMITY (*Cont'd*)

Taxes levied by municipal corporations to be "uniform in respect to persons and property within the jurisdiction of the body levying the same". (S.D. XI 10; Wash. VII 9.)

City, town and village taxes to be uniform with respect to persons and property within jurisdiction of authority imposing. (W.Va. X 9.)

Nothing in constitution to be construed to prevent classification of property for purpose of taxation. (Okla. X 22.)

No species of property from which tax collected to be taxed higher than other species of equal value but legislature may tax hawkers, peddlers, ferries, expositions and privileges in manner deemed proper. (Ark. XVI 5.)

No species of taxable property to be taxed higher than other species of same value, but this does not apply to tax on merchants, peddlers and privileges. (Tenn. II 28.)

No species of property from which a tax may be collected to be taxed higher than any other species of equal value; but specified property may be exempted. (W.Va. X 1.)

"All taxes upon real and personal estate, assessed by authority of this state, shall be apportioned and assessed equally, according to the just value thereof; but legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property." (Me. IX 8 Amend. 1914.)

"The portion of a merchant's capital used in the purchase of merchandise sold by him to non-residents and sent beyond state shall not be taxed at a higher rate than the *ad valorem* tax of property." (Tenn. II 28.)

Legislature to provide uniform and equal rate of taxation. (Fla. IX 1; Ind. X 1; Ore. IX 1.)

Legislature to provide by law uniform and equal rate of taxation on all property in state. (Wash. VII 2.)

Legislature to provide uniform and equal rate of assessment and taxation. (Kan. XI 1; Nev. X 1; S.C. X 1.)

Legislature to provide by law "a uniform and equal rate of assessment and taxation on all property in the state according to its value in money". (Utah XIII 3.)

Legislature to levy uniform rate of assessment and taxation. (Mont. XII 1.)

Legislature to provide for a uniform and equal rate of assessment. (Ind. X 1; Kan. XI 1; Nev. X 1; Ore. IX 1; Utah XIII 3; Wash. VII 2.)

Assessment to be "by uniform rules". (Miss. IV 112; N.J. IV 7, 12.)

All property except as otherwise provided in the constitution to be "uniformly assessed for taxation". (Wyo. XV 11.)

Lands of citizens of United States residing outside state not to be taxed at higher rate than lands of residents. (Utah III (2); N.D. XVI 203 (2); Okla. I 3.)

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TAXATION (*Cont'd*)

UNIFORMITY (*Cont'd*)

Lands of citizens of United States residing outside the state not to be taxed at higher rate than lands of residents; this irrepealable without consent United States. (Wyo. Ord. 3; S.D. XXII Second, XXVI 18 Second; Mont. Ord. No. 1(2); Nev. Ord. III (3); Ida. XXI 19; Wash. XXVI (2).)

Lands and other property belonging to citizens of United States non-residents of this state never to be taxed at higher rate than lands and other property belonging to residents of state. This irrevocable without consent of United States. (Ariz. XX Fifth; N.M. XXI 2.)

Lands of non-residents not to be taxed at higher rate than lands of residents. (Mo. XIV 1.)

Non-resident proprietors not to be taxed higher than residents. (Minn. II 3; Wis. II 2.)

"No distinction shall ever be made by law between resident aliens and citizens as to * * * taxation * * * of property." (Wyo. I 29.)

"No distinction shall ever be made by law between resident aliens and citizens in reference to possession, enjoyment or descent of property." (S.D. VI 14.)

Legislature to levy taxes by valuation so that every person or corporation shall pay a tax in proportion to the value of his or her or its property except as in constitution otherwise provided. All "property" to be defined and classified by law. (Ida. VII 2, 3.)

Rate of taxation of corporate property to be same as that paid on individual property. (Ky. 174.)

Property of private corporations, associations and individuals of state "shall forever be taxed at the same rate"; but this section not to apply to institutions devoted exclusively to religious, educational or charitable purposes. (Ala. XI 217.)

Legislative provision for taxation by Chicago to be "in accordance with the principles of equality and uniformity" prescribed by constitution. (Ill. IV 34.)

Initiative and referendum not to be used to pass law authorizing levy of annual tax on land or land values or land sites at higher rate or by different rule than is applied to improvements or to personal property. (Ohio II 1 e.)

Legislature may allow lower rate to be imposed for period of years by city or town on land added to corporate limits than is imposed on similar land within its limits at time such land was added. (Va. XIII 169.)

SPECIAL ASSESSMENTS

Under this heading are digested only those provisions relating specifically to assessments for benefits. For numerous provisions relating to taxation which may also relate to special assessments, See above, this title generally.

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TAXATION (*Cont'd*)

SPECIAL ASSESSMENTS (*Cont'd*)

No city, town or other municipality to assess for cost of sidewalk or street paving or construction of sewers in excess of increased value of assessed property by reason of special benefit derived from such improvements. (Ala. XII 223.)

Laws may authorize incorporated cities, towns and villages to make local improvements by special assessments or by special taxation of property benefited. (Ariz. IX 6.)

Questions upon special assessments to be submitted to vote of property taxpayers, who shall also in all respects be qualified electors of the state, and of the political subdivision thereof affected by such question. (Ariz. VII 13.)

Nothing in constitution to be construed to prohibit legislature authorizing assessments on real property for local improvements under regulations prescribed by law to be based on consent of majority in value of property holders owning property adjoining locality to be affected. Such assessments to be *ad valorem* and uniform. (Ark. XIX 27.)

After filing charter framed under provisions of this article city or town may provide and legislate for assessment, levy and collection of special assessments by municipal officials or by county or state officials as provided in charter. (Colo. XX 6.)

Legislature may authorize cities, towns and villages to make local improvements by special assessment or by special taxation of contiguous property or otherwise. (Ill. IX 9.)

Legislature may authorize incorporated drainage districts to levy upon property benefited special assessments for construction and maintenance and repair of drains, ditches and levees. (Ill. IV 31; Iowa I 18.)

Legislature may authorize municipal corporations to levy assessments for local improvements on property benefited without regard to cash valuation. (Minn. IX 1.)

Legislature may authorize corporate authorities of cities, towns and villages to make local improvements by special assessment or special taxation of property benefited. (Nebr. IX 6; Wash. VII 9.)

Legislature may authorize county and municipal corporations to levy and collect assessments for local improvements upon property benefited thereby, "homesteads included", without regard to cash valuation. (Okla. X 7.)

Legislature to provide "system of taxation on the lands affected or benefited" by levees, drains, ditches and irrigation or on crops produced thereon to discharge bonded indebtedness or expenses necessarily incurred in establishment of such improvements. (Okla. XVI 3.)

Municipality appropriating private property for public improvement may provide money therefor in part by assessments upon benefited property not in excess of the special benefit conferred thereon by

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TAXATION (*Cont'd*)

SPECIAL ASSESSMENTS (*Cont'd*)

the improvement, but such assessments shall in no case be levied for more than 50 per cent. of the cost of such appropriation. (Ohio XVIII 11.)

Specified towns authorized to levy abutting property for specified improvements on consent majority abutting property owners and on condition that corporate authorities pay one-half cost. (S.C. X 15 a.)

Corporate authorities specified cities and towns authorized to levy on abutting property cost of specified improvements on consent majority abutting owners and on condition that corporate authorities pay one-third cost. (S.C. X 16.)

Legislature may authorize specified cities and towns to levy on abutting property for street improvements on consent two-thirds abutting property owners and on condition that corporate authorities pay one-half cost. (S.C. X 14.)

Legislature may authorize specified cities and towns to levy on abutting property for street improvements on consent majority abutting property owners on condition corporate authority to pay one-third cost. (S.C. X 16.)

Legislature may authorize corporate authorities specified town to levy on abutting property for street improvements on consent of two-thirds abutting property owners and on condition corporate authority to pay one-half cost. (S.C. X 17.)

Legislature to provide for equitable assessments of lands drained to pay necessary expenses of condemnation and drainage. (S.C. Amend. 1.)

Legislature may vest corporate authorities of counties, townships and municipalities with power to construct and repair levees, drains and ditches by special assessment on property benefited according to benefits received. (S.D. XXI 6.)

Legislature may authorize cities, towns and villages to make local improvements by special taxation of contiguous property or otherwise. (S.D. XI 10.)

Except in cities and towns no taxes or assessments for local public improvement to be imposed on abutting land owners; cities and towns not to impose tax or assessment on abutting land owners for street or other public local improvements except for making an improvement on walkways upon then existing streets, improving and paving then existing alleys and for construction or use of sewers, and tax or assessment not to exceed peculiar benefits resulting to abutting land owners. (Va. XIII 170.)

TAXING DISTRICTS

For provisions relating to power of such districts to incur debt, See DISTRICTS — TAXING DISTRICTS.

TELEGRAPH COMPANIES

See also TRANSMISSION COMPANIES.

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

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TELEGRAPH COMPANIES (*Cont'd*)

For provisions relating to all corporations, See CORPORATIONS.

ACCEPTANCE OF STATE CONSTITUTION

Must be filed in office of secretary of state as prerequisite to benefit of any future legislation. (Wyo. X Railroads 6.)

APPEALS TO COURTS

From orders, etc., of railroad commission allowed, irrespective of amount; cases tried summarily and given preference over all other cases. (La. 285.)

Right of appeal on rates fixed by legislature or board of railroad commissioners allowed; rates fixed stand pending appeal. (N.D. VII 142.)

Removal of cases involving orders of corporation commission allowed; such cases given preference and heard at all times. (N.M. XI 7.)

AS COMMON CARRIERS

Declared to be common carriers. (Wyo. X Corporations 7, X Railroads 2.)

Declared to be common carriers, and subject to control by law. (Ariz. XV 10; Ky. 199; N.D. VII 142; Wash. XII 19.)

Declared to be common carriers, and subject to liability as such. (Miss. VII 195.)

Declared to be common carriers when engaged in transmission for hire and subject to liability and taxation as such. (S.C. IX 3.)

CONSENT OF LOCAL AUTHORITIES

No law to be passed by legislature granting right to construct and operate telegraph plant, without first obtaining consent of local authorities in control of streets or public places proposed to be occupied for any such or like purposes. (S.C. VIII 8.)

To construction and operation in cities, municipalities, towns and villages, *See the subhead* PUBLIC UTILITIES *under the specific title.*

CONSOLIDATION

Not to consolidate or pool with, purchase or operate parallel or competing lines. (Ky. 201.)

Not to consolidate stock, property, franchises or earnings with parallel or competing lines. (Nebr. XI 3.)

Not to consolidate with or hold controlling interest in stocks and bonds of any competing telegraph company and not to acquire any competing "line of telegraph". (Pa. XVI 12; S.D. XVII 11.)

Not to consolidate with or hold controlling interest in stocks or bonds of any competing telegraph or telephone company and not to acquire any competing "line of telegraph or telephone". (Ala. XII 239; Mont. XV 14.)

Requires, in all cases, 60 days' public notice to all stockholders, as prescribed by law. (Nebr. XI 3.)

CONNECTIONS, *See below, this title,* POWERS AND DUTIES.

CREATION

Corporate powers and privileges issued and granted by secretary of state, as prescribed by law, or by other person named by law if he is disqualified. (Ga. III Sec. VII 18.)

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TELEGRAPH COMPANIES (*Cont'd*)

DISCRIMINATION, *See below, this title,* POWERS AND DUTIES.

EMINENT DOMAIN, *See* EMINENT DOMAIN.

FOREIGN TELEGRAPH COMPANIES

Must have agent to receive process in each county touched by line as prerequisite to doing business. (Wyo. X Railroads 8.)

Must incorporate under domestic law, to exercise right of eminent domain. (Okla. IX 31.)

FRANKS AND REDUCED RATES, *See below, this title,* RATES.

LEGISLATIVE CONTROL

Legislature may regulate and control rates but with right of appeal to courts. (N.D. VII 142.)

Legislature shall regulate charges; no state officer concerned with regulation to be selected by corporation or be officer or stockholder thereof. (Cal. IV 33.)

Legislature to correct and prevent discrimination in charges to extent of forfeiture of property and franchises. (Nebr. XI 7.)

Legislature to pass laws to regulate and limit rates; officer to regulate or limit such rates not to be selected by an officer or stockholder in corporations regulated. (Cal. IV 32.)

Legislature to prevent abuses, discrimination and extortion in charges and exercise supervision; to provide penalties to extent of forfeiture of franchise. (Miss. VII 186.)

MUNICIPAL AID, *See* "CITIES", "COUNTIES", "DISTRICTS", "MUNICIPALITIES", "TOWNS", "TOWNSHIPS", *and* "EDUCATION — SCHOOL DISTRICTS".

PENALTIES

Penalty for unlawful rates or violating orders of railroad commission, $100 to $5,000. (La. 286.)

POWERS AND DUTIES

Associations, corporations or lessees of franchises organized for purpose may construct and maintain lines and connect with other lines. (Wyo. X Railroads 7.)

Associations or corporations organized for purpose may construct and operate lines between any points, connect at state lines and intersect, connect with or cross other lines. (Okla. IX 2.)

Associations or corporations organized for purpose or individuals may construct and maintain lines and connect with other lines; legislature to regulate by general uniform law. (Ala. XII 230; Colo. XV 13; Ida. XI 13; Mont. XV 14; Pa. XVI 12; S.D. XVII 11.)

Associations or corporations organized for purpose or individuals may construct and maintain lines; must receive and transmit each other's messages without delay or discrimination. (Ky. 199; Wash. XII 19.)

Lines operated for hire must receive and transmit each other's messages without delay or discrimination and make physical connections with other lines. (Okla. IX 5.)

Must be made by law to extend same equality and impartiality to all users except employees and their families and ministers of the gospel. (Wyo. X Railroads 2.)

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TELEGRAPH COMPANIES (*Cont'd*)

POWERS AND DUTIES (*Cont'd*)

Must, if operated for hire, receive and transmit each other's messages without delay or discrimination and make connections as prescribed by commission. (N.M. XI 16.)

AS PUBLIC HIGHWAYS

Declared to be public highways. (Wyo. X Railroads 2.)

AS PUBLIC UTILITIES

Declared to be public utilities and control vested in railroad commission. (Cal. XII 23.)

RAILROAD RIGHTS

Telegraph companies may construct lines along rights of way of railroads; railroads must give equal facilities, privileges and rates to all companies; general law to be passed. (Wash. XII 19.)

RATES

Fixed and controlled by railroad commission; greater charge for shorter than longer distance only with permission of commission. (La. 284.)

Fixed and controlled by state corporation commission, with due consideration "to earnings, investment and expenditures as a whole within the state". (N.M. XI 7.)

For same kind of message not to be more for shorter than including longer distance, except that air line distance may be basis in certain cases; state corporation commission may prescribe other rates; exceptions enumerated. (N.M. XI 10.)

Free or reduced rates not forbidden in serving state or local government, charities or destitute or indigent persons. (La. 287.)

May be fixed by railroad commission when power to do so is conferred by legislature. (Cal. XII 23.)

Member of legislature, public officer, or person elected or appointed to public office, not to receive or accept pass, franking privilege or discrimination for himself or another; forfeiture of office and other penalties on recipient and donor; no privilege from testifying but no liability if compelled to testify. (La. 191.)

Public officer or person elected or appointed to public office under laws of state not to receive or accept pass, franking privilege or discrimination for himself or with another; forfeiture of office and other penalties on recipient and donor; no privilege from, but immunity upon, testifying. (N.Y. XIII 5.)

When fixed by railroad commission remain in effect until set aside; penalty payable state for each day sustained rate was suspended by suit. (La. 286.)

RIGHT OF WAY

Legislature may grant easement of 125 feet in width across state lands as right of way, which land shall not be disposed of while easement exists. (Ala. IV 99.)

May construct lines along rights of way of railroads; general law to be passed thereon. (Wash. XII 19.)

Right of eminent domain extended to all telegraph companies. (Wash. XII 19.)

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TELEGRAPH COMPANIES (*Cont'd*)

STATE AID

See "STATE DEBT — PURPOSES", "STATE FINANCES — EXPENDITURES".

Ownership of stock, *See* PUBLIC PROPERTY.

TAXATION

See TAXATION — OBJECTS AND KINDS OF TAXATION — CORPORATIONS.

See TAXATION — OBJECTS AND KINDS OF TAXATION — PUBLIC UTILITIES.

See TAXATION — LOCAL TAXES — AUTHORITY.

See TAXATION — ASSESSMENT — CORPORATE PROPERTY.

See TAXATION — OBJECTS AND KINDS OF TAXATION — TELEGRAPH INTERESTS OR BUSINESS.

TELEPHONE COMPANIES

See also TRANSMISSION COMPANIES.

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

APPEALS TO COURTS

From orders, etc., of railroad commission allowed, irrespective of amount; cases tried summarily and given preference over all other cases. (La. 285.)

Removal of cases involving orders of corporation commission allowed; such cases given preference and heard at all times. (N.M. XI 7.)

Right of appeal on rates fixed by legislature or board of railroad commissioners allowed; rates fixed stand pending appeal. (N.D. VII 142.)

AS COMMON CARRIERS

Declared to be common carriers. (Wyo. X Corporations 7.)

Declared to be common carriers, and subject to control by law. (Ariz. XV 10; N.D. VII 142; Wash. XII 19.)

Declared to be common carriers, and subject to liability as such. (Miss. VII 195.)

CONNECTIONS, *See below, this title,* POWERS AND DUTIES.

CONSENT OF LOCAL AUTHORITIES

No law to be passed by legislature granting right to construct and operate telephone plant, without first obtaining consent of local authorities in control of streets or public places proposed to be occupied for any such or like purposes. (S.C. VIII 8.)

To construction and operation in cities, municipalities, towns and villages, *See the subhead* PUBLIC UTILITIES *under the specific title.*

CONSOLIDATION

Not to consolidate or pool with, purchase or operate, parallel or competing lines. (Ky. 201.)

Not to consolidate with or hold controlling interest in stocks or bonds of any competing telegraph or telephone company, and not to acquire any competing "line of telegraph or telephone." (Ala. XII 239; Mont. XV 14.)

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TELEPHONE COMPANIES (*Cont'd*)

DISCRIMINATIONS, *See below, this title,* POWERS AND DUTIES.

EMINENT DOMAIN, *See* EMINENT DOMAIN.

FOREIGN TELEPHONE COMPANIES

Must incorporate under domestic law, to exercise right of eminent domain. (Okla. IX 31.)

FRANKS AND REDUCED RATES, *See below, this title,* RATES.

LEGISLATIVE CONTROL

Legislature may regulate and control rates but with right of appeal to courts. (N.D. VII 142.)

Legislature to prevent abuses, discrimination and extortion in charges and exercise supervision; to provide penalties to extent of forfeiture of franchise. (Miss. VII 186.)

PENALTIES

Penalty for unlawful rates or violating orders of railroad commission, $100 to $5,000. (La. 286.)

POWERS AND DUTIES

Associations or corporations organized for purpose may construct and operate lines between any points, connect at state lines and intersect, connect with or cross other lines. (Okla. IX 2.)

Associations or corporations organized for purpose or individuals may construct and maintain lines; must receive and transmit each other's messages without delay or discrimination. (Wash. XII 19.)

Associations or corporations organized for purpose or individuals may construct and maintain lines and connect with other lines; legislature to regulate by general uniform law. (Ala. XII 239; Ida. XI 13; Mont. XV 14.)

Lines operated for hire must receive and transmit each other's messages without delay or discrimination and make physical connection with other lines. (Okla. IX 5.)

Must, if operated for hire, receive and transmit each other's messages without delay or discrimination and make connections, as prescribed by commission. (N.M. XI 16.)

Where operating exchanges or other public stations in different towns and cities to receive and transmit each other's messages without delay or discrimination. (Ky. 199.)

AS PUBLIC UTILITIES

Declared to be public utilities, and control vested in railroad commission. (Cal. XII 23.)

RAILROAD RIGHTS

May construct lines along rights of way of railroads; general law to be passed thereon. (Wash. XII 19.)

RATES

Appeals to courts, *See above, this title,* APPEALS TO COURTS.

Free or reduced rates not forbidden in serving state or local government, charities or destitute or indigent persons. (La. 287.)

Fixed and controlled by state corporation commission, with due consideration "to earnings, investment and expenditures as a whole within the state". (N.M. XI 7.)

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TELEPHONE COMPANIES (*Cont'd*)

RATES (*Cont'd*)

For same kind of message not to be more for shorter than including longer distance, except that air line distance may be basis in certain cases; state corporation commission may prescribe other rates; exceptions enumerated. (N.M. XI 10.)

May be fixed by railroad commission when power to do so is conferred by legislature. (Cal. XII 23.)

Member of legislature, public officer, or person elected or appointed to public office, not to receive or accept pass, franking privilege or discrimination for himself or another; forfeiture of office and other penalities on recipient and donor; no privilege from testifying, but no liability if compelled to testify. (La. 191.)

Fixed and controlled by railroad commission; greater charge for shorter than longer distance only with permission of commission. (La. 284.)

Legislative control, *See above, this title,* LEGISLATIVE CONTROL.

Public officer or person elected or appointed to public office under laws of state not to receive or accept pass, franking privilege or discrimination for himself or with another; forfeiture of office and other penalties on recipient and donor; no privilege from, but immunity upon, testifying. (N.Y. XIII 5.)

When fixed by railroad commission remain in effect until set aside; penalty payable state for each day sustained rate was suspended by suit. (La. 286.)

RIGHT OF WAY

Legislature may grant easement of 125 feet in width across state lands as right of way, which land shall not be disposed of while easement exists. (Ala. IV 99.)

May construct lines along rights of way of railroads; general law to be passed thereon. (Wash. XII 19.)

Right of eminent domain extended to all telephone companies. (Wash. XII 19.)

TAXATION

See TAXATION — OBJECTS AND KINDS OF TAXATION — CORPORATIONS.

See TAXATION — OBJECTS AND KINDS OF TAXATION — PUBLIC UTILITIES.

See TAXATION — LOCAL TAXES — AUTHORITY.

See TAXATION — ASSESSMENT — CORPORATE PROPERTY.

TERRITORIAL JURISDICTION

Concurrent jurisdiction on boundary rivers, See WATERS — BOUNDARIES OF STATE.

BOUNDARIES

Water boundaries, See WATERS — BOUNDARIES OF STATE.

Boundaries defined. (Ala. II 37; Ariz. I; Ark. I; Cal. XXI; Colo. I; Fla. I; Ida. XVII 1; Ill. I; Ind. XIV; Kan. Preamble; Mich. I 1; Minn. II 1; Miss. II 3; Mont. I; Nev. XIV 1; N.M. I; N.D. XVII 206; Ore. XVI 1; S.D. I 2; Tenn. I 31; Utah II 1; Wash. XXIV 1; W.Va. II 1; Wyo. XI 1.)

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TERRITORIAL JURISDICTION (*Cont'd*)

BOUNDARIES (*Cont'd*)

Boundaries as hitherto established by law ratified and confirmed. (Mo. I 1.)

Boundaries described in Enabling Act accepted and described. (Wis. II 1.)

Boundaries defined; may be enlarged with consent of Congress and legislature. (Iowa Preamble, XI 4.)

Boundaries to be and remain "as they now are". (N.C. I 34.)

Congress may make North river boundary conform to act creating territory of Washington. (Ore. XVI 1.)

EXTENSION

If foreign territory annexed, legislature to extend to inhabitants thereof rights and privileges required by terms of acquisition not inconsistent with constitution. If such territory purchased may use money in treasury or provide for bond issue to pay therefor. (Ala. IV 90.)

Additional territory may be admitted into and become part of state with consent of legislature and majority of qualified voters voting on that question. (W.Va. VI 11.)

Limits and jurisdiction of state to extend to any other land and territory now acquired or that may hereafter be acquired by compact or agreement with other states or otherwise though not included in boundaries described in constitution. (Ala. II 37; Tenn. I 31.)

Legislature may consent to acquisition of additional territory and to make same part of state; legislature may settle disputed boundaries between state and "co-terminus states". (Miss. II 4.)

TITLES OF NOBILITY, *See* HEREDITARY DISTINCTIONS.

TOWNS

Under this title are digested all provisions relating specifically to this class of municipalities. For provisions relating to municipalities generally, and hence to this class, See MUNICIPALITIES.

See also TOWNSHIPS.

INCORPORATION AND ORGANIZATION

For provisions relating to initiative and referendum, See INITIATIVE AND REFERENDUM.

For provisions relating to power of town to frame its charter, See MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

In General

Legislature to constitute by law. (Vt. II 6.)

Legislature to provide for incorporation and organization by general laws which may be altered, amended, or repealed. (Cal. XI 6; Utah XI 5; Wash. XI 5.)

Legislature to provide for incorporation and organization by general laws which may be altered, amended or repealed by general laws. (Ida. XII 1.)

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TOWNS (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

In General (*Cont'd*)

Legislature to provide for incorporation and organization by general laws subject to provisions of this article. (Ariz. XIII 1; Okla. XVIII 1.)

Legislature by general law to provide for organization of incorporated towns. (Ark. XII 3.)

Special or local legislation for incorporation of, forbidden. (Ariz. IV 19, 17; Ill. IV 22; Mo. IV 53; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; S.C. III 34; S.D. III 23; Tex. III 56; Wyo. III 27.)

Private or special legislation for incorporation of, forbidden. (Ala. IV 104; Iowa III 30; Utah VI 26, 12; Wis. IV 31.)

Until otherwise provided by law to "continue their corporate existence under the laws extended in force in the state"; valid ordinances to continue in force until altered, amended or repealed. (Okla. Sched. 10.)

Legislature to provide for organization by general laws. (Colo. XIV 13; Kan. XII 5; Mo. IX 7; Nev. VIII 8; N.C. XIII 4.)

Organization of each class to be provided for by general laws "so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions". (Ky. 156.)

Legislature required to pass within time fixed by constitution general laws for government of towns in accordance with constitution. All acts of incorporation and amendments prior to constitution except that respecting election of officers as provided by the constitution to continue in force until legislature provides by general law for government of; and time limit fixed within which legislature required to provide therefor by general laws. (Ky. 166.)

Legislature to pass general laws under which towns may be chartered and charters amended, all of which are subject to repeal or amendment. (Miss. IV 88.)

Special or local legislation for amendment of charters, forbidden. (Ariz. IV 19, 17; Ill. IV 22; Mo. IV 53; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; S.C. III 34; S.D. III 23; Tex. III 56; Wyo. III 27.)

Special or private legislation for amendment of charters, forbidden. (Utah VI 12, 26; Wis. IV 31.)

Towns having 5,000 population or less "may be chartered alone by general law". (Tex. XI 4.)

Legislature to establish "but one system of town government which shall be as nearly uniform as practicable". (Wis. IV 23.)

Legislature not to enact indirectly any special or local act by exempting from the operation of a general act. (Ky. 60.)

Private or special legislation for incorporation or amending charters of, forbidden. (Wash. II 28, 8.)

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TOWNS (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*).

In General (*Cont'd*)

Incorporation and amendment of charters by local or special legislation in towns containing population of less than 2,000 forbidden. (W.Va. VI 39.)

Local and private acts passed for the benefit of, not inconsistent with supreme law or this constitution and not expired or repealed prior its adoption to have force of statute law subject to judicial decision as to validity when passed and to limitations imposed by their own terms. (Ga. XII Sec. I 4.)

Nothing in legislative apportionment provisions of constitution to prevent division of towns or erection of new towns by legislature. (N.Y. III 5.)

Legislature, or people by initiative, may enact general law providing method whereby incorporated town may surrender its charter and be merged into adjoining town, provided majority of electors of each incorporated city, town or municipal corporation affected authorize such surrender or merger. (Ore. XI 2a.)

All incorporated communities having a population of less than 5,000 to be towns. In determining population legislature to be governed by last United States census or other enumeration under its own authority. Nothing in section to be construed to repeal charter of any incorporated community having city charter at time of adoption of constitution. Legislature to enact general laws for organization and government of towns and no special act to be passed in relation thereto except in manner provided in article IV and then only by recorded vote of two-thirds of members elected to each house. But each town having at time of adoption of this amendment a municipal charter may retain same except so far as it may be repealed or amended by legislature, provided that every such charter is hereby amended to conform to constitution. Legislature may, however, depart from form of organization or government prescribed in this article and provide such forms of municipal government as it deems best, but in such form to become operative except in cities adopting vote of qualified electors. Laws or charters enacted pursuant to provisions of this section to be subject to provisions of constitution relating to judges, clerks of courts, attorneys of commonwealth, and commissioners of revenue. (Va. VIII 116, 117.)

Legislature to provide by general laws for extension and contraction of corporate limits and no special acts for such purposes to be valid. (Va. VIII 126.)

Those organized prior to adoption of constitution may organize under general laws passed for that purpose whenever majority of electors voting at general election so determine, "and shall organize in conformity therewith". (Cal. XI 6; Wash. XI 10.)

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TOWNS (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

In General (*Cont'd*)

Towns incorporated prior to adoption of constitution may become organized under general laws for incorporation, organization and classification of towns whenever majority electors at general election shall determine under provisions therefor made by legislature. (Ida. XII 1.)

Towns existing under special charters or general laws of territory may abandon charter and reorganize under general laws of state. (Wyo. XIII 1.)

Towns existing under special charter time adoption of constitution may be reorganized under general laws and when so reorganized special charters to cease. (S.C. VIII 1.)

Not to be organized without consent of majority of electors residing and entitled to vote within district proposed to be incorporated. Such consent to be ascertained in manner and under regulations prescribed by law. (S.C. VIII 2.)

Legislature to make provision by general law whereby towns incorporated by special or local law may elect to become subject to and be governed by general law relating to such corporations. (Colo. XIV 14; Mo. IX 7.)

Classification

Legislature by general laws to provide for in proportion to population subject to provisions of this article. (Ariz. XIII 1; Okla. XVIII 1.)

Legislature to provide by general laws in proportion to population, which laws may be altered, amended or repealed. (Cal. XI 6; Utah XI 5; Wash. XI 10.)

Legislature to provide for by general laws in proportion to population, which laws may be altered, amended or repealed by general laws. (Ida. XII 1.)

Legislature to provide by general laws for not exceeding four classes. (Colo. XIV 13; Mo. IX 7.)

"For the purposes of their organization and government" cities and towns to be divided into six classes: 1st class, cities of 100,000 or more; 2d class, cities of 20,000 and less than 100,000; 3d class, cities and towns with 8,000 and less than 20,000; 4th class, cities and towns with 3,000 and less than 8,000; 5th class, cities and towns with 1,000 and less than 3,000; 6th class, towns with less than 1,000. Legislature to assign new towns to proper classes at first session after their organization and change as population increases or decreases; and in absence of other satisfactory evidence of population to be governed by last United States census; and no transfer from one class to another to be made except by law previously passed and providing therefor. (Ky. 156.)

OFFICERS

See also PUBLIC OFFICERS.

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TOWNS (*Cont'd*)

OFFICERS (*Cont'd*)

In General

Legislature may provide by general laws for performance by county officers of certain municipal functions of incorporated towns when majority of electors of such town voting at general or special election so determine. Towns framing their own charters may by provision therein or amendment provide for performance by county officers of certain municipal functions when discharge of such functions is authorized by general law or by county charter framed under constitution. (Cal. XI 6.)

Accounting for Public Funds

See also below, this subdivision, FEES.

No collector or his assistant or deputy of taxes or public moneys for town to be eligible to legislature unless six months before election he obtains "quietus" for his collections and all public moneys for which he is responsible. (Ky. 45.)

To be required by law to keep correct account of fees collected and to pay into proper treasury; and officer whose duty it is to collect such fees shall be responsible under bond for them. (Utah XXI 2.)

"Being a defaulter" to town renders person ineligible to any office of trust, profit or honor in state. (Wis. XIII 3.)

To be required by law to keep account of and pay into proper treasury all fees collected, and officer whose duty it is to collect shall be made responsible under his bond for neglect to collect. (Wyo. XIV 2.)

Compensation

See also below, this title, FINANCES — EXPENDITURES, RESTRICTIONS UPON — EXTRA COMPENSATION.

Not to be increased after election or during term. (Cal. XI 9.)

Not to be changed after election or appointment or during term. (Ky. 161; Wash. XI 8.)

All officers except constables to be paid fixed and definite salaries. (Utah XXI 1.)

To be paid "fixed and definite salaries"; legislature to fix if not fixed by constitution and to be "in proportion to the value of the services rendered and the duty performed". (Wyo. XIV 1.)

No town officer to receive for salary, fees and perquisites, more than $5,000 "net profits per annum in par funds" and sums in excess of this amount to be paid into town treasury as directed by appropriate "legislation". (Ark. XIX 23.)

Corrupt Practices, *See below, this title*, CORRUPT PRACTICES.

Creation of Offices

Special and local legislation creating offices forbidden. (Okla. V 46; Tex. III 56.)

Election

See also ELECTIONS.

Selectmen to be elected annually or biennially as electors determine. (Conn. Amend. XXXII.)

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TOWNS (*Cont'd*)

OFFICERS (*Cont'd*)

Election (*Cont'd*)

Selectman and clerk to decide on qualifications of electors at times and in manner prescribed by law. (Conn. VI 5.)

Special or local legislation providing for election of members of board of supervisors of incorporated towns forbidden. (Ill. IV 22; N.D. II 69.)

Chief executive to be elected by qualified voters; except that in the 4th, 5th and 6th classes may be appointed or elected as provided by law. (Ky. 160.)

Legislative board or council to be elected by qualified voters thereof; term of members two years and until successors qualify. (Ky. 160.)

Legislature may provide more than one place of public meeting within town for the election of officers under constitution; and may prescribe manner of calling, holding and conducting such meetings. (Mass. Amend. 29.)

Qualified electors in state resident for six months in town prior to election to be qualified to vote for mayor. (Tex. VI 3.)

Legislature may prescribe property qualification not exceeding $250 for voters in town as prerequisite for voting in any election for officers other than members of legislature. to be wholly elected by voters of such town; such action, if taken, to be on initiative of representative in legislature of town affected; legislature may make exemptions from such qualifications as are not inconsistent with constitution of United States. (Va. II 30.)

All town officers whose election or appointment is not provided by constitution to be elected as legislature designates. (Va. VIII 120.)

Fees

All fees in excess of amount allowed for salary to be paid into town treasury as directed by "appropriate legislation". (Ark. XIX 23.)

Officers to be required by law to pay all fees collected into the proper treasury. (Utah XXI 2; Wyo. XIV 2.)

Impeachment, *See* IMPEACHMENT.

Place of Office

Must keep office at such place in town as prescribed by law. (Ind. VI 6; Ky. 234.)

Powers and Duties

Shall perform such as prescribed by law. (Ind. VI 6.)

Special and local legislation prescribing powers and duties of, forbidden. (Okla. V 46; Tex. III 56.)

Qualifications and Disqualifications

In General

Legislature to prescribe. (Ky. 160.)

Every person qualified to vote to be eligible to office in the town where he resides except as otherwise provided in the

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TOWNS (*Cont'd*)

OFFICERS (*Cont'd*)

Qualifications and Disqualifications (*Cont'd*)

In General (*Cont'd*)

constitution and except that this does not apply as to residence to office elective by people where law provides otherwise. (Va. II 32.)

Dual Office Holding

No state officer or deputy or member of legislature to be officer or employee of town; but notary public or officer of militia not to be ineligible. (Ky. 165.)

Persons holding elective office of trust or profit not to be appointed to election office. (Va. II 31.)

Removal

Mayors, intendants and all other officers of incorporated towns may be removed by circuit or other court of like jurisdiction or criminal court of county in which such officers hold office as prescribed by law, for following causes: "wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith", provided, that right to jury trial and appeal be secured. Penalty not to extend beyond removal and disqualification from holding office under authority of state for term for which removed officer elected or appointed, but accused to be liable to indictment or punishment as prescribed by law. (Ala. VII 175, 173, 176.)

May be impeached or removed in manner prescribed by law. (Ind. VI 8.)

Legislature to prescribe causes for and manner of. (Ky. 160.)

Legislature to provide in addition to other penalties for removal on conviction of wilful, corrupt or fraudulent violation or neglect of official duty. (Mo. XIV 7.)

Residence

Must reside in town. (Ind. VI 6; Ky. 234.)

Selection

If not provided for by constitution, shall be elected by electors of town of division thereof or shall be appointed by such town authorities as legislature shall designate. (N.Y. X 2; Wis. XIII 9.)

Chief executive to be elected by qualified voters; except that in 4th, 5th and 6th classes may be appointed or elected as provided by law. (Ky. 160.)

Other than chief executive and members of councils to be elected by qualified voters or appointed by local authorities as legislature by general law provides. (Ky. 160.)

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TOWNS (*Cont'd*)

OFFICERS (*Cont'd*)

Term

Not to be extended beyond periods for which elected or appointed. (Cal. XI 9; Ky. 160; Wash. XI 8.)

Of chief executive and of elected officers other than members of councils to be four years and until successors qualified. (Ky. 160.)

Vacancies

To be filled in manner prescribed by law. (Ind. VI 9; Ky. 160.)

EMPLOYEES

See also LABOR — PUBLIC WORK.

No state officer or deputy or member of legislature to be employee of a town; but notary public or officer of militia not to be ineligible. (Ky. 165.)

Legislature may regulate and fix wages and salaries and hours of work and make provision for protection, welfare and safety of. (N.Y. XII 1.)

CORRUPT PRACTICES

Illegal Use of Funds

Making a profit out of or using for purpose not authorized by law by any officer having possession or control thereof to be felony; prosecuted and punished as prescribed by law. (Cal. XI 17.)

Receiving any interest, profit or perquisite arising from use or loan of public funds in his hands or moneys to be raised through his agency for state, city, town, district or county purposes to be felony, punished as prescribed by law, including disqualifications to hold office. (Ky. 173; Okla. X 11.)

Making profit out of or using for unauthorized purposes by public officer to be felony and punished as provided by law. (Mo. X 17.)

Making profit out of, directly or indirectly, or using for unauthorized purpose to be felony and punished as provided by law. (S.D. XI 11.)

Making profit out of or unauthorized use of by officers having possession or control to be felony and to be punished as prescribed by law. (Wash. XI 14.)

Making profit directly or indirectly out of town money or other public fund or using same for purpose not authorized by law by any public officer to be felony punished as provided by law. (Wyo. XV 8.)

Interest in Contracts

No public officer or member of legislature to be interested directly or indirectly in contracts authorized by any law passed or order made by board of which he is or was member during term for which he was chosen or within one year after termination of term. (Miss. IV 109.)

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TOWNS (*Cont'd*)

CORRUPT PRACTICES (*Cont'd*)

Free Transportation

See also PUBLIC OFFICERS — FREE PASSES, ETC.

Common carrier forbidden to give free pass or reduced rates and officer forbidden to accept under penalty of forfeiture of office. (Ky. 197.)

Candidates or incumbents of office or position under any ordinance of town, forbidden to ask, or accept, or use free pass, frank or privilege withheld from other persons for transportation of person or property or transmission of any message under penalty of punishment for bribery, and in case of an officer, the vacation of his office. No person privileged from testifying, but not to be prosecuted or punished for any offense concerning which he was required to testify or produce documentary evidence. (Wis. XIII 11.)

POWERS AND RIGHTS

See also this title generally.

For provisions relating to power of town to frame its charter, See MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

For provisions relating to taxation, See TAXATION.

For provisions relating to special assessments for benefits, See TAXATION — SPECIAL ASSESSMENTS.

For provisions relating to sale of liquors, See LIQUORS.

In General

Authorized to make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general law. (Cal. XI 11; Wash. XI 11.)

May make and enforce within its limits such local police, sanitary and other regulations as are not in conflict with its charter or general laws. (Ida. XII 2.)

Powers of each class to be defined by general laws so that all municipal corporations of the same class shall possess same powers and be subject to the same restrictions. (Colo. XIV 13; Ky. 156; Mo. IX 7.)

Legislature may by general law confer upon councils all such powers of local and special legislation as it deems expedient not inconsistent with constitution. (Va. IV 65.)

Legislature to delegate necessary power to incorporated towns for location of Chinese within prescribed portions of town, and for removal of Chinese without city limits. (Cal. XIX 4.)

Right to reasonable control of streets or alleys and public places reserved to town. (Mich. VIII 28.)

Incorporated towns of 1,000 or more population may incur debt for specified purposes for public buildings, structures and grounds and other public improvements, which improvements may be within or outside the corporate limits of the municipality. (Ark. XVI 1.)

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TOWNS (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

In General (*Cont'd*)

Legislature may authorize support and maintenance of Protestant teachers of piety, religion and morality. (N.H. I 6.)

Restrictions Upon

In General

All limitations of powers of councils imposed by this article to apply in like manner to principal legislative authority under any form of government authorized hereunder, and term council to be construed to include anybody vested with principal legislative authority of municipality. (Va. VIII 117.)

Rights in and to water front, wharves, public landings, docks, streets, avenues, parks, bridges and other public places, and its gas, water and electric works, not to be sold except by ordinance or resolution. (Detailed provisions as to number of votes necessary for passage and for passage over veto.) Nothing herein contained to prevent legislature from prescribing additional restrictions on power to sell or lease property or as repealing any such restriction now required in any existing charter. (Va. VIII 125.)

Stock and Bond Holding

Town not to become subscriber to or shareholder in any corporation or company. (Ariz. IX 7; Colo. XI 2; Mont. XIII 1; N.D. XII 185.)

Not to become shareholder in any private corporation or company. (Del. VIII 8; Wyo. XVI 6.)

Not to become by vote of its citizens or otherwise stockholder in any joint stock company, corporation or association. (Ida. XII 4.)

Not to become subscriber to or owner of stock or interest therein of any railroad, private corporation or association. (Nebr. XI A 1.)

Not to become stockholder in joint stock company, corporation or association except railroad corporations, companies or associations. (Nev. VIII 10.)

Not to become directly or indirectly owner of stocks or bonds of any association, company or corporation. (N.J. I 19; Wash. VIII 7.)

Not to become "stockholder with others" in company, association or corporation, except on assent of three-fourths qualified voters voting at election thereon. (Tenn. II 29.)

Not to become holder of corporate stock by vote of citizens or otherwise. (Ore. XI 9.)

Not to become stockholder in company, association or corporation. (Ark. XII 5.)

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TOWNS (*Cont'd*)
POWERS AND RIGHTS (*Cont'd*)
Restrictions Upon (*Cont'd*)
Stock and Bond Holding (*Cont'd*)

Not to subscribe to stock or purchase bonds of any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution. (Conn. Amend. XXV.)

Not to become directly or indirectly owner of stock or bonds of association or corporation; but this does not prevent making such provision for aid and support of its poor as may be provided by law. (N.Y. VIII 10.)

Legislature not to authorize to become stockholder in corporation, association or company. (Mo. IV 47; Okla. X 17; Tex. III 52.)

Legislature not to authorize to become stockholder in any corporation, association, or company by issuing bonds or otherwise. (Ala. IV 94.)

Legislature not to authorize town or subdivision thereof to become stockholder in any company, association or corporation. (Ky. 179.)

Legislature not to authorize to aid in any way, any corporation "having for its object a dividend of profits" by taking its stocks or bonds. (N.H. II 5.)

No law to authorize becoming stockholder in any company by vote of citizens or otherwise; but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)

Legislature not to authorize town to subscribe to stock or bond in aid of any railroad, telegraph, or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Subscription to capital stock of any railroad or private corporation forbidden, but this not to affect right to make such subscription when authorized under existing laws by vote of people prior to adoption of this amendment. (Ill. Amend. 1870 — Municipal Subscriptions to Corporations Separately submitted.)

Not to subscribe to stock or purchase bonds of any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution and not to be construed to prohibit legislature from authorizing town to protect by additional appropriation any railroad debt contracted prior to constitution. (Conn. Amend. XXV.)

Not to become subscriber to stock of railroad or other corporation or association. Authority granted prior to constitution for such purpose by legislature or corporate charter hereby repealed. This not to affect right to make

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TOWNS (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

Restrictions Upon (*Cont'd*)

Stock and Bond Holding (*Cont'd*)

subscription authorized by vote of people prior to constitution in pursuance of law then existing and where terms of submission and subscription have been or shall be complied with; or to prevent issue of renewal bonds or other means prescribed by law for payment of such subscription or of any indebtedness prior to constitution. (Miss. VII 183.)

Not to subscribe to or become interested in "stock or obligations" of company, association or corporation "for the purpose of aiding in the construction or maintenance of its work", but this not to prevent town perfecting subscription to capital stock of railroad company authorized by existing charter provided vote of freeholders of such town in favor of such subscription is had prior to July 1, 1903. (Constitution effective July 10, 1902.) (Va. XIII 185.)

Joint Ownership

Not to become joint owner with any person, company or corporation, except as to such ownership as "may accrue to the state by operation or provision of law". (Ariz. IX 7; Mont. XIII 1.)

Not to become joint owner with any person or corporation, "public or private" "in or out of state" except such ownership as may accrue to town jointly with any person, company or corporation by forfeiture or sale of real estate for nonpayment of taxes or by donation or devise for public use or by purchase by or on behalf of any or either of them jointly with any or either of them under execution in cases of crimes, penalties or forfeiture of recognizance, breach of condition of official bonds, or of bond to secure public money or the performance of any contract in which they or any of them may be jointly or severally interested. (Colo. XI 2.)

Not to become joint owner in any private corporation, person or company. (Del. VIII 8.)

No law to authorize becoming joint owner in any company, by vote of citizens or otherwise, but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)

CONTROL BY STATE

In General

As to legislative restrictions on power to levy taxes and borrow money, See TAXATION, *and see below, this title,* DEBT.

Towns organized under charters adopted under constitutional provisions relating to local framing of charters may "make and enforce all laws and regulations in respect to municipal affairs

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TOWNS (*Cont'd*)

CONTROL BY STATE (*Cont'd*)

In General (*Cont'd*)

subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to control by general laws". (Cal. XI 6.)

Acts incorporating to restrict powers of taxation, borrowing money, contracting debts and loaning credit. (Ore. XI 5.)

Towns "heretofore or hereafter organized" shall be subject to and controlled by general laws. (Wash. XI 10.)

Restrictions Upon

Legislature not to delegate to any special commission, private corporation, company, association or individual "any power to make, control, appropriate, supervise or in any way interfere with any town" improvement, money, property or effects whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal functions whatever, but legislature may provide for supervision and conduct of affairs of irrigation districts, reclamation districts or drainage districts. (Cal. XI 13.)

Local or special legislation regulating affairs of, forbidden. (Okla. V 46; Tex. III 56.)

Private, local and special laws regulating internal affairs prohibited. (N.J. IV 7, 11.)

FINANCES

For provisions incidentally relating to finances, See also above, this title, "POWERS AND RIGHTS" *and* "CONTROL BY STATE".

In General

Any citizen may institute suit in behalf of himself and others interested to protect inhabitants of town against "enforcement by any illegal exactions whatever". (Ark. XVI 3.)

When town maintains institution for support of dependent children and aged persons it is entitled to receive same *pro rata* appropriations as state grants to similar institutions under church or other control. (Cal. IV 22.)

Occupation taxes, licenses, fines, forfeitures, penalties and other duties accruing to towns "to be collected only in current money". (Tex. XI 4.)

Deposits

"All moneys, assessments and taxes belonging to or collected for the use of" coming into hands of officer thereof to be immediately deposited with treasurer or other legal depositary to its credit for benefit of funds to which they belong. (Cal. XI 16; Wash. XI 15.)

All town money except as otherwise provided in constitution shall whenever practicable be deposited in a national bank or bank incorporated under laws of state; bank to furnish security approved as provided by law and to pay reasonable rate of interest; such interest to accrue to the fund from which it is derived. (Wyo. XV 7.)

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TOWNS (*Cont'd*)

FINANCES (*Cont'd*)

Claims By and Against

"In all cases of allowances made for or against" town appeal to lie to circuit court at instance of party aggrieved or on intervention of citizen or resident and taxpayer of city on terms and conditions on which appeals granted to that court in other cases. Matter to be tried *de novo*. Citizen appealing to give bond payable to town, conditioned to prosecute appeal and save town from costs thereon. (Ark. VII 51.)

Obligation due town not to be remitted, released or postponed or in any way diminished except by payment into proper treasury; not to be exchanged or transferred except upon payment of its face value; but legislature may provide by law for the compromise of doubtful claims. (Miss. IV 100.)

Execution not to issue on judgment against incorporated town or against any officer therein in his official capacity and for which the town is liable; such judgment shall be paid out of the proceeds of a tax levy and when so collected shall be paid by the "county treasurer" to the judgment creditor. (N.M. VIII 7.)

Local or special legislation releasing indebtedness, liability or obligation of person or corporation to town forbidden. (Nev. IV 20.)

Expenditures, Restrictions Upon

In General

Not to be authorized or permitted to pay claim under contract made without express authority of law. (Ky. 162.)

Not to pay any debt or interest thereon contracted directly or indirectly in aid of the Rebellion. (N.C. VII 13.)

Not to pay any debt or obligation created by such town in aid of Civil war. (Va. XIII 186.)

Aid to Private Enterprise

Donations to railroad or private corporation prohibited. (Ill. Amend. 1870 — Municipal Subscriptions to Corporations separately submitted.)

Not to make appropriation in aid of any railroad or other corporation or association. (Miss. VII 183.)

Not to appropriate money to any private corporation, person or company. (Del. VIII 8.)

Not to appropriate or obtain money for any company, association or corporation. (Ark. XII 5.)

Not to make donation or grant by subsidy or otherwise to individual, association or corporation. (Ariz. IX 7; Mont. XIII 1.)

Not to make by vote of citizens or otherwise donation to or in aid of any joint stock company, corporation or association. (Ida. XII 4.)

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TOWNS (*Cont'd*)
FINANCES (*Cont'd*)
Expenditures, Restrictions Upon (*Cont'd*)
Aid to Private Enterprise (*Cont'd*)
Not to make donation or grant to or in aid of any person, company or corporation, "public or private" in or out of state. (Colo. XI 2.)
Not to give or loan money to or in aid of any individual, association or corporation. (N.J. I 19.)
Not to make donation to or in aid of individual, association or corporation, except for necessary support of poor. (N.D. XII 185; Wash. VIII 7; Wyo. XVI 6.)
Not to give money or property or lend money to or in aid of any individual, association or corporation; but this not to prevent making such provision for aid and support of its poor as may be authorized by law. (N.Y. VIII 10.)
Not to subscribe to or make donation to any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution and not to be construed to prohibit legislature from authorizing town to protect by additional appropriation any railroad debt contracted prior to constitution. (Conn. Amend. XXV.)
Legislature not to authorize town to obtain or appropriate money for or levy tax for any corporation, association or individual. (Okla. X 17.)
Legislature not to authorize to grant public money or thing of value to or in aid of individual, association or corporation. (Tex. III 52.)
Legislature not to authorize to grant public money or thing of value to or in aid of individual, association or corporation by issuing bonds or otherwise. (Ala. IV 94.)
Legislature not to authorize to give money, directly or indirectly, for benefit of "corporation having for its object a dividend of profits". (N.H. II 5.)
Legislature not to authorize town to appropriate money to any corporation, association or individual except for purpose of constructing or maintaining bridges, turnpike roads or gravel roads. (Ky. 179.)
Legislature not to authorize grants of public money to or in aid of individual or association or corporation. But this not to be construed to prevent legislature authorizing incorporated towns which have organized fire department to create, maintain and manage funds taken from municipal revenue for pensioning disabled firemen and for relief of widows and minor children of deceased firemen. (Mo. IV 47.)

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TOWNS (*Cont'd*)

FINANCES (*Cont'd*)

Expenditures, Restrictions Upon (*Cont'd*)

Extra Compensation

See also PUBLIC OFFICERS — COMPENSATION.

Not to grant extra compensation to public officer, employee, agent, or servant or increase compensation of public officer or employee to take effect during continuance in office of any person whose salary might be thereby increased. (Conn. Amend. XXIV.)

No to increase pay or compensation of any public contractor above amount specified in the contract. (Conn. Amend. XXIV.)

Referendum

Donations in aid of railroads and internal improvements not to be made unless proposition has been first submitted to qualified electors at an election authorized by law. (Nebr. XII 2.)

In elections to determine expenditures of money only those to be qualified who pay taxes on property therein. (Tex. VI 3.)

Payment of tax on property valued at least $134 for next preceding year required for vote on any proposition for expenditure of money. (R.I. Amend. VII 1.)

Debt, *See below, this title,* DEBT.

Taxation, *See* TAXATION.

DEBT

Existing Time Adoption Constitution

Nothing in this article to be construed to impair or add to obligation of debts contracted in accordance with territorial law; or to prevent contracting any debt or issuing bonds therefor in accordance with laws of territory upon proposition which according to such laws was submitted to qualified electors before constitution took effect. (Colo. XI 9.)

Validity of not affected by prohibition of loans of credit in aid of railroad construction. (Conn. Amend. XXV.)

Incorporated town authorized to pay such debts either by tax levy or by issuing bonds under provisions of laws extended in force in state; but nothing in constitution to legalize invalid debts or impair any defense against payment thereof. (Okla. Sched. 25, 37.)

Nothing in this article to prevent contracting of debt or issuing bonds under proposition submitted under laws of territory to qualified electors before constitution takes effect, or to impair or add to obligation of any debt contracted under laws of territory prior to adoption of constitution. (Utah XIV 7.)

May be bounded in sum not exceeding 4 per cent. on assessed value taxable property in town as shown by last general assessment. (Wyo. XVI 3.)

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TOWNS (*Cont'd*)

DEBT (*Cont'd*)

Power to Incur Generally

Legislature to restrict power of incorporated towns to borrow money and contract debts so as to prevent abuse of such power. (Ark. XII 3.)

Legislature to restrict town's power of borrowing money, contracting debts and loaning credit so as to prevent abuse. (Kan. XII 5; N.C. XIII 4.)

Legislature to restrict town's power of borrowing money, contracting debts or loaning credit except for procuring supplies of water. (Nev. VIII 8.)

Acts of legislature incorporating town to restrict their powers of borrowing money, contracting debts and loaning credit. (Ore. XI 5.)

Legislature to restrict power of towns to borrow money and contract debts. (S.C. VIII 3.)

Provision to be made by general laws to prevent abuse of power of borrowing money and contracting debts. (Miss. IV 80.)

Purpose

In General

Limited to "town purposes"; but town may make provision as authorized by law "for the aid or support of its poor". (N.Y. VIII 10.)

No debts to be contracted except in pursuance of law for public purpose specified by law. (S.C. VIII 3.)

To be incurred only for strictly town purposes. (Utah XIV 4; Wash. VIII 6.)

Ordinance authorizing debt to specify purpose to which funds to be raised are to be applied. (Colo. XI 8; N.M. IX 12.)

Not to issue interest-bearing evidences of indebtedness except bonds authorized by law to pay debt existing time adoption constitution; but incorporated towns of 1,000 or more population may issue bonds for specified purposes "and for any and all public buildings, structures or grounds that may be required by said municipality for the proper and economic administration of this government and for any other public improvements of a general nature for the use and benefit of said municipality" when approved on referendum. Such improvements may be within or outside the corporate limits of such municipality. (Ark. XVI 1.)

When any town adopts voting machines, governing body may provide for payment thereof by issuing interest-bearing bonds, certificates of indebtedness or other obligations; not to be sold for less than par and payable at such times not exceeding 10 years as may be determined. (Colo. VII 8.)

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TOWNS (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
In General (*Cont'd*)

After filing charter framed under provisions of this article town may provide and legislate for issuance, refunding and liquidation of all kinds of municipal obligations, including bonds and other obligations of park, water and local improvement districts. (Colo. XX 6.)

Not to assume to pay any debt contracted directly or indirectly in aid of the Rebellion. (N.C. VII 13.)

Aid to Private or Corporate Enterprise

For prohibitions of grants of money in aid of private or corporate enterprise, See above, this title, FINANCES — EXPENDITURES, RESTRICTIONS UPON.

Legislature not to authorize to lend credit to or in aid of individual, association or corporation by issuing bonds or otherwise. (Ala. IV 94.)

Not to give or loan credit in aid of individual, association or corporation. (Ariz. IX 7; Mont. XIII 1.)

Not to loan credit for any purpose whatever; and no municipality to grant financial aid toward construction of railroads or other private enterprises operated by any private person or corporation. Not to obtain money for or loan credit to any corporation, association, institution or individual. (Ark. XVI 1, XII 5.)

Not to lend credit to or assume debt of any private corporation, person or company. (Del. VIII 8.)

Not to lend or pledge credit or faith in any manner to or in aid of any person, company or corporation for any amount or for any purpose, "public or private", or become responsible for any debt, contract or liability of any person, company or corporation, "public or private", in or out of state. (Colo. XI 1.)

Not to lend credit directly or indirectly in aid of any railroad corporation; but not to affect validity of bonds or debts incurred under laws existing prior to constitution and not to be construed to prohibit legislature from authorizing town to protect by additional credit railroad debt contracted prior to adoption of constitution. (Conn. Amend. XXV.)

Not to subscribe to stock or purchase bonds or make donation to any railroad corporation; but this does not affect validity of bonds or debts incurred under laws existing prior to constitution and not to be construed to prohibit legislature from authorizing town to protect by additional appropriation any railroad debt contracted prior to constitution. (Conn. Amend. XXV.)

Not to lend or pledge credit or faith in any manner to or in aid of any individual, association or corporation, for any

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TOWNS (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)
amount or any purpose or become responsible for the debt, contract or liability of any individual, association or corporation in or out of state. Not to raise money for or lend credit, by vote of citizens or otherwise, to or in aid of any joint stock company, corporation or association; but may contract debt for school, water, sanitary and illuminating purpose, provided it owns "just proportion of the property thus created and receive from any income arising therefrom its proportion to the whole amount so invested". (Ida. VIII 4, XII 4.)

Loan of credit in aid of railroad or private corporation forbidden. (Ill. Amend. 1870—Municipal Subscriptions to Corporations Separately Submitted.)

Legislature not to authorize town to obtain money for or lend its credit to any corporation, association or individual except for purpose of contracting or maintaining bridges, turnpike roads or gravel roads. (Ky. 179.)

Not to loan credit in aid of railroad or other corporation or association. (Miss. VII 183.)

Legislature not to authorize loans of credit to individual, association or corporation. (Mo. IV 47; Okla. X 17.)

Not to make "donations" to "railroad or other works of internal improvement" unless proposition therefor first submitted to qualified electors at election by authority of law; such donations of county, with donations of subdivisions thereof, not in aggregate to exceed 10 per cent. of assessed valuation of such county. (Nebr. XII 2.)

Not to lend credit in aid of any joint stock company, corporation or association except railroad corporations, companies or associations. (Nev. VIII 10.)

Legislature not to authorize to loan credit, directly or indirectly, for benefit of "corporation having for its object a dividend of profits". (N.H. II 5.)

Not to lend credit to any individual, association or corporation, or becoming security for any association or corporation, forbidden. (N.J. I 19.)

Not to lend its credit to or in aid of any individual, association or corporation; but this not to prevent making such provision for aid and support of its poor as may be authorized by law. (N.Y. VIII 10.)

Credit not to be given or loaned to or in aid of any individual, association or corporation, except for necessary support of poor. (N.D. XII 185; Wyo. XVI 6.)

No law to authorize raising money for or lending credit to any company or association by vote of citizens or other-

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TOWNS (*Cont'd*)
DEBT (*Cont'd*)
Purpose (*Cont'd*)
Aid to Private or Corporate Enterprise (*Cont'd*)
wise; but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)
Not to raise money for or lend credit to or in aid of any company, corporation or association, by vote of citizens or otherwise. (Ore. XI 9.)
Credit not to be loaned or given to or in aid of any person, company, association or corporation, except on assent of three-fourths of qualified voters voting at election thereon. (Tenn. II 29.)
Legislature not to authorize town to lend credit to any individual, association or corporation, but special authorization to join with county or other political subdivision or district in lending credit or incurring debt for or in aid of irrigation, drainage or navigation improvements or construction and maintenance of roads, subject to approval on referendum and to specified limit of amount; provided total debt of city or town not thereby to exceed limit imposed by other sections constitution. (Tex. III 52.)
Legislature not to authorize town to lend credit in aid of any railroad, telegraph, or other private, individual or corporate enterprise or undertaking. (Utah VI 31.)
Not to grant credit "under any device or pretense whatsoever" to or in aid of person, association or corporation. (Va. XIII 185.)
Not to lend money or credit to or in aid of individual, association, company or corporation "except for the necessary support of the poor and infirm". (Wash. VIII 7.)
Law or Ordinance Authorizing
Private, local or special legislation authorizing issuance of bonds or other securities, forbidden unless authorized before enactment such law by vote qualified electors thereof at election held for purpose in manner prescribed by law; but legislature may without such election pass special laws to refund bonds issued before ratification constitution. (Ala. IV 104.)
Local and special legislation provided for bonding of, forbidden. (Nebr. III 15.)
Not to contract debt or loan in any form except by ordinance specifying purpose to which funds to be raised are to be applied; and ordinance irrepealable until debt therein provided for fully paid. (Colo. XI 8.)
No town to contract debt except by ordinance specifying purpose to which funds to be raised are to be applied. (N.M. IX 12.)
Referendum on Proposition to Incur
Legislature may pass general laws authorizing to issue bonds; but none to be issued under such general laws unless first authorized by majority vote by ballot of qualified voters

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TOWNS (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

thereof voting on proposition. Special provision for form of ballot. This not to apply to renewal, refunding or reissuing of bonds lawfully issued or authorized by law enacted prior to ratification constitution; and not to apply to obligations incurred or bonds to be issued to pay for street and sidewalk improvements or sanitary or storm-water sewers, the cost of which is assessed in whole or part against property abutting said improvements or drained by such sewers. (Ala. XII 222.)

Proposition to incur debt in excess of 4 per cent. of taxable property must be approved by majority of property taxpayers who are also qualified electors voting at election provided by law to be held for purpose. (Ariz. IX 8.)

No debts, except to pay those existing time adoption constitution, to be incurred without consent of majority of qualified electors voting on question at election held for purpose. Detailed provisions as to ordinance authorizing debt and its submission to referendum. (Ark. XVI 1.)

Not to incur in any manner or for any purpose indebtedness or liability "exceeding in any year the income and revenue provided for such year" unless proposition therefor is approved by two-thirds of qualified electors voting at election held for purpose. Except as provided in constitution, indebtedness incurred contrary to this provision to be void. (Cal. XI 18.)

No debt to be created unless proposition be submitted at regular election for councilmen, aldermen or officers to qualified electors who in preceding year paid property tax and approved by majority thereof voting thereon by ballot deposited in separate box. This section does not apply to debts contracted for water supply. (Colo. XI 8.)

Not to incur any debt or liability in any manner for any purpose "exceeding in that year" income and revenue provided for it for such year without assent of two-thirds qualified electors thereof voting at election held for purpose. Any debt or liability incurred contrary to this provision to be void, but this not to be construed "to apply to the ordinary and necessary expenses authorized by the general laws of the state". (Ida. VIII 3.)

Not to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue for that year without consent of two-thirds voters voting at election held for the purpose. Indebtedness contracted in violation of this provision to be void and not to be assumed by municipality or enforceable against persons contracting. (Ky. 157.)

Not to be allowed to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue provided in such year without assent two-thirds voters thereof, voting at election held for purpose. (Mo. X 12.)

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TOWNS (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

Debts for construction of sewerage system or for water supply which legislature may authorize in excess of debt limit fixed by constitution must be approved by vote of taxpayers affected. (Mont. XIII 6.)

No debt to be created unless proposition is submitted at regular election for town officers to such qualified electors thereof as have paid a property tax therein during preceding year and is approved by majority of those voting by ballot deposited in separate ballot box. This not to prevent issue without submission to voters of bonds to pay or refund valid bonds for town. (N.M. IX 12, 15.)

No debt to be contracted nor faith or credit pledged unless "by a vote" of majority of qualified voters. (N.C. VII 7.)

Not to be allowed to become indebted in any manner for any purpose to amount exceeding in any year income and revenue provided in such year without assent three-fifths voters thereof voting at election held for purpose. (Okla. X 26.)

Propositions to incur debt for purchase, construction or repair of public utilities owned exclusively by town in excess of limit fixed by constitution on amount of town debt must be approved by majority vote of qualified property taxpaying voters voting at election held for purpose. (Okla. X 27.)

No debt to be created without submitting proposition to qualified electors and unless majority voting on question approve. Legislature in authorizing special election in incorporated town on question of bond issue to prescribe as condition precedent to holding such election a petition from majority of freeholders thereof as shown by town tax books. At such election electors of town in addition to qualifications required for municipal election must have paid all taxes, city, county and municipal, for previous year in order to qualify to vote on such proposition. Majority of those voting at such election necessary to authorize issuance of bonds. (S.C. VIII 7, II 13.)

In elections to determine assumption of debt by incorporated towns only those who pay taxes on property therein qualified to vote. (Tex. VI 3.)

No town or subdivision thereof to create debt in excess of taxation for current year unless majority of such qualified electors as shall have paid a property tax in the preceding year shall approve proposition to create such debt. (Utah XIV 3.)

Not to become indebted for any purpose in any manner to amount exceeding one and one-half per cent. of taxable property therein without assent of three-fifths voters voting at election held for purpose. Value of taxable property to be determined from last assessment for state and county purposes previous to incurring debt. (Wash. VIII 6.)

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TOWNS (*Cont'd*)

DEBT (*Cont'd*)

Referendum on Proposition to Incur (*Cont'd*)

No town or subdivision thereof to create debt in excess of taxes for current year in any manner unless approved by vote of people on proposition submitted. (Wyo. XVI 4.)

Limit of Amount

Towns having less than 6,000 population, except as otherwise provided in constitution, not to become indebted in amount "including present indebtedness" exceeding 5 per cent. assessed value of property therein except for construction or purchase of waterworks, gas or electric lighting plants or sewerage, or for improvement of streets for which purposes additional debt not exceeding 3 per cent. may be created. Limitation not to affect debt authorized time adoption constitution, nor temporary loans to be paid within one year made in anticipation of collection of taxes, not exceeding one-fourth of annual revenues of such town; this not to prevent funding or refunding of "existing indebtedness". (Ala. XII 225.)

Those having 6,000 or more population and those specified authorized to become indebted in amount "including present" debt not exceeding 7 per cent. assessed valuation of property therein, but following classes of debt not to be included in this limitation: temporary loans paid within one year made in anticipation of collection of taxes not exceeding one-fourth of general revenues; bonds or obligations issued or to be issued for purpose of acquiring or constructing schoolhouses, waterworks and sewers; obligations and bonds incurred for street or sidewalk improvements cost of which wholly or partly assessed against abutting property; proceeds of obligations in excess of 7 per cent. limit to be limited to purposes for which such obligations issued. Not to prevent funding or refunding of existing indebtedness. This section not to apply to specified cities. (Ala. XII 225.)

Where present debt exceeds limit, not to be allowed to become indebted in further amount except as otherwise provided by constitution until debt reduced within limit. This not to prevent any municipality except one specified from issuing bonds authorized prior adoption constitution, and not to prevent funding or refunding of existing indebtedness. (Ala. XII 226, 225.)

Not to become indebted for any purpose in any manner to amount exceeding 4 per cent. of taxable property ascertained by last assessment for state and county purposes previous to incurring debt or, in incorporated towns, from last assessment for town purposes without assent of majority of property taxpayers who are also qualified electors voting at election provided by law to be held for purpose; with such assent incorporated towns

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TOWNS (*Cont'd*)
DEBT (*Cont'd*)
Limit of Amount (*Cont'd*)

"may be allowed to become indebted to a larger amount but not exceeding 15 per cent. additional" for water supply, artificial light or sewers when the works therefor are or are to be owned and controlled by the municipality. (Ariz. IX 8.)

Not to exceed in aggregate 7 per cent. of assessed value of real and personal property therein according to last general assessment. Debt may be incurred for waterworks or lighting plants when approved on referendum in excess of this limitation; and such debt not to be included in computation of existing debt in order to determine power to become further indebted, provided a mortgage or other lien on such works or plant and its franchise be given as additional security for such debts. (Ark. XVI 1.)

Aggregate, together with debt, existing at time of election on proposition to incur new debt, not at any time to exceed 3 per cent. valuation of taxable property as shown by assessment next preceding the last assessment before the adoption of such ordinance. (Colo. XI 8.)

Not to be authorized or permitted to incur debt to amount including existing debt in aggregate exceeding 3 per cent. of value of taxable property therein ascertained by assessment next before last assessment previous to incurring debt; but debt in excess of this limit may be contracted when authorized by laws in force prior to adoption of constitution or when necessary for completion and payment for public improvement undertaken and not completed and paid for at time of adoption; any town debt which exceeds limit at time adoption of constitution not to increase more than 2 per cent. until debt reduced within limit and thereafter not to exceed limit "unless in case of emergency, the public health or safety should so require". Renewal bonds or bonds to fund floating indebtedness not prevented by limit. (Ky. 158.)

Towns having less than 40,000 population, as shown by last United States census, not to create any debt or liability which singly or in aggregate with previous debts or liabilities exceeds 5 per cent. of last regular valuation. This not to be construed "as applying to any fund received in trust" by the town "nor to any loan for the purpose of renewing existing loans or for war or to temporary loans to be paid out of the money raised by taxes during the year in which they were made". (Me. (Amend.) XXII.)

Not to be allowed to incur debt to amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein, ascertained by assessment next before last assessment for state and town purposes previous to incurring debt. (Mo. X 12.)

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TOWNS (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

Not to be allowed to become indebted in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 3 per cent. of value of taxable property therein to be ascertained by last assessment for state and county taxes previous to incurring such debt; all bonds and obligations in excess of this amount to be void; legislature may extend this limit by authorizing municipal corporations to submit question to vote of taxpayers affected when increase is necessary to construct sewerage system or to procure water supply for such municipality "which shall own and control said water supply and devote revenues derived therefrom to payment of the debt". (Mont. XIII 6.)

Not to be allowed to incur debt in excess of income and revenue to amount including existing debt in aggregate exceeding 5 per cent. valuation taxable property therein to be ascertained from last assessment for state and county purposes previous to incurring debt. "Incorporated town may, by vote of majority of qualified property tax-paying voters, voting at election held for purpose, be allowed to become indebted in larger amount for purchase, construction or repairing of public utilities owned exclusively by such town, provided provision be made for annual tax in addition to other taxes provided for by constitution sufficient to pay interest thereon and to constitute sinking fund for redemption within 25 years from time of contracting"; limitation on amount of debt not to "apply" to debt created or bonds issued to pay existing debt under territory. (Okla. X 26, 27.)

Shall never exceed 5 per cent. of assessed value of taxable property therein; bonds or obligations in excess of limit to be void. (N.D. XII 183.)

Not to become indebted to amount in aggregate including existing debt exceeding 4 per cent. of value of taxable property within town, ascertained by last preceding assessment for state or town purposes; bonds or obligations issued in excess of limit to be void except that debts may be contracted in excess of limit for construction or purchase of water supply system or sewer system; this not to prevent issue of bonds to pay or refund valid bonds of town. (N.M. IX 13, 15.)

Not to incur any bonded debt which including any existing bonded debt shall exceed 8 per cent. of assessed value of taxable property therein. This not to prevent issuing bonds to amount sufficient to refund bonded debt existing at time adoption constitution; and not to prevent issuing certificates of indebtedness in anticipation of collection of taxes for amounts contained or to be contained in taxes for year when such certificates are issued and payable out of such taxes; and not to apply to bonded debt incurred by any municipal corporation exclusively

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TOWNS (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

for purchase, establishment and maintenance of waterworks, sewerage system, or lighting plant; and specified town authorized to incur specified amount of debt in excess of this amount in order to pay for construction of county buildings. (S.C. VIII 7.)

Never to exceed 5 per cent. of assessed valuation of taxable property therein for year preceding that in which the indebtedness is incurred; in "estimating amount of the indebtedness which a municipal subdivision may incur, amount of indebtedness contracted prior to the adoption of the constitution shall be included". (S.D. XIII 4.)

Districts of which towns may be a part may be authorized to issue bonds or otherwise lend credit in amount not exceeding one-fourth of assessed valuation of real property of such district when approved on referendum for irrigation, drainage or navigation improvement or in aid thereof, or the construction, maintenance and operation of paved roads and turnpikes or in aid thereof. This authorization to be in addition to all other debts except that total bonded debt of any town not to exceed limit imposed by other provisions of constitution. (Tex. III 52.)

Not to become indebted "to an amount including existing indebtedness exceeding 4 per cent. of the value of the taxable property therein"; value of property to be ascertained by last assessment for state and county purposes previous to incurring debt; may be allowed to incur larger indebtedness (in addition to 4 per cent.) previously authorized not exceeding 8 per cent. additional for supplying the town with water, artificial lights or sewers when the works supplying such water, lights and sewers are owned and controlled by the town. Nothing in this article to prevent contracting of debts or issuance of bonds under proposition submitted under laws of territory to qualified electors before constitution took effect. (Utah XIV 4, 7.)

Not to issue bonds or other interest-bearing obligations for any purpose or in any manner to amount which, including existing indebtedness, shall at any time exceed 18 per cent. of assessed valuation of real estate therein, subject to taxation as shown by last preceding assessment for taxation. This not to apply to towns whose charters existing time adoption constitution authorize larger percentage of debt. In computing existing debt in order to determine the limitation of a town's power to incur further debt, bonds authorized by ordinance enacted in accordance with provisions of constitution, and approved by affirmative vote, majority of qualified voters of town voting on question at general election next succeeding enactment of ordinance or at special election held for that purpose, for a supply of water or other specific undertaking from which city

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TOWNS (*Cont'd*)
DEBT (*Cont'd*)
Limit of Amount (*Cont'd*)
may "derive a revenue not to be included, but from and after period to be determined by council not exceeding five years from date of election whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor and the cost of insurance against loss by injury to persons or property) and an annual amount to be covered into a sinking fund sufficient to pay at or before maturity all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking". In computing existing debt in order to determine limitation of a town's power to incur further debt, "certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue * * * for the then current year, provided that such certificates, bonds or other obligations mature within one year from the date of their issue and be not past due, and do not exceed the revenue for such year", not to be included. (Va. VIII 127.)

Not to become indebted for any purpose in any manner to amount exceeding one and one-half per cent. of taxable property therein, ascertained from last assessment for state and county purposes previous to incurring debt without assent of three-fifths voters voting at election held for purpose; with such assent total indebtedness at any time not to exceed 5 per cent. of value of such taxable property; may be allowed to become indebted to larger amount not exceeding 5 per cent. additional for supplying water, artificial light and sewers when the works therefor are owned and controlled by municipality. (Wash. VIII 6.)

Not to be "allowed to become indebted in any manner or for any purpose to any amount including existing indebtedness in the aggregate exceeding 5 per cent. on the value of the taxable property therein"; value of property to be ascertained by last assessment for state and county taxes previous to incurring debt. (Wis. XI 3.)

No town or subdivision thereof to create any indebtedness in any manner exceeding 2 per cent. of assessed value of taxable property therein, but may be authorized to create additional indebtedness not exceeding 4 per cent. of assessed value of taxable property as shown by last preceding assessment for purpose of "building sewerage"; debts for water supply excepted from provisions of this section; debts existing prior to adoption constitution may be bonded in a sum not exceeding 4 per cent. on assessed value taxable property as shown by last general assessment. (Wyo. XVI 5, 3.)

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TOWNS (*Cont'd*)

DEBT (*Cont'd*)

Bonds

For exemption of from taxation, See TAXATION—EXEMPTIONS.

See also below, this title, REDEMPTION AND INTEREST.

Any town issuing bonds under laws of state may make such bonds and interest thereon payable at any place or places within or outside of United States in any money, domestic or foreign, designated in said bonds. (Cal. XI 13½.)

Application of Proceeds

No money raised for a specific purpose to be used for any other purpose. (Ark. XVI 1.)

Moneys borrowed to be used only for purposes specified in law authorizing loan. (Mont. XIII 3.)

Limited to purpose for which obtained or to repayment of the debt or liability created therefor. (Mo. X 20.)

Redemption and Interest

Provision to be made at time of incurring debt for collection of annual tax not exceeding 7 mills on the dollar to pay interest and discharge principal within 35 years from time of issuing bonds. Bonds to be "serial" "and shall be paid off as rapidly as the income derived from said tax will permit". Detailed provisions as to interest. (Ark. XVI 1.)

No indebtedness or liability in excess of revenue or income to be incurred unless before or at time of incurring provision be made for collection of annual tax sufficient to pay interest as it falls due, and to constitute sinking fund for payment of principal on or before maturity. Except as provided in constitution, debt incurred contrary to this provision to be void. (Cal. XI 18.)

Towns issuing bonds under laws of state may make such bonds and interest thereon payable at any place or places within or outside of United States and in any money, domestic or foreign, designated in said bonds. (Cal. XI 13½.)

Ordinances authorizing incurring of debt to provide for levy of tax not exceeding 12 mills on valuation taxable property therein as shown by assessment next preceding last assessment before adoption of such ordinance sufficient to pay annual interest and extinguish principal within 15 but not less than 10 years from creation. Application proceeds of tax limited to purpose specified in ordinance until debt fully discharged. This section does not apply to debts contracted for water supply. (Colo. XI 8.)

Not to incur any debt or liability unless at same time provision be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 20 years from time of contracting. (Ida. VIII 3.)

Whenever authorized to create debt shall be at same time required to provide for collection of annual tax sufficient to pay interest and to create sinking fund for payment of principal within not more than 40 years from time of contracting. (Ky. 159.)

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TOWNS (*Cont'd*)

DEBT (*Cont'd*)

Redemption and Interest (*Cont'd*)

Before incurring debt requiring assent of voters, provision to be made for collection of annual tax sufficient to pay interest as due and to constitute sinking fund for discharge of principal within 20 years from time of contracting. (Mo. X 12.)

At or before time of incurring debt, provision to be made for collection of annual tax sufficient to pay interest and principal when due; and all ordinances containing such provision to be irrepealable until debt paid. (N.D. XII 184; S.D. XIII 5.)

Ordinance creating debt to provide for levy of tax not exceeding 12 mills on all taxable property in town sufficient to pay interest on and extinguish principal within 50 years. Proceeds of such tax to be applied only to payment of such interest and principal. Such ordinance to be irrepealable until debt therein provided for has been fully paid. (N.M. IX 12.)

Before or at time of incurring debt in excess of income and revenue provision to be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 25 years from date of contracting. (Okla. X 26, 27.)

Town to levy "sufficient additional revenue" to create sinking fund to be used first, for payment of interest coupons; second, for payment of bonds; third, for payment of such parts of judgments as such municipality may by law be required to pay. (Okla. X 28.)

On issuing bonds, town to create sinking fund for redemption thereof at maturity. All property within town limits, except that exempted, to be taxed for payment of debt contracted under authority of law. (S.C. VIII 7, 6.)

District or other political subdivision, of which towns may form a part, incurring debt or lending credit for purposes specified to levy and collect taxes and pay interest to provide sinking fund for redemption thereof. Special provision for taxes for interest and sinking fund for debts contracted prior to adoption of constitution. (Tex. III 52.)

Before or at time of incurring debt provision required to be made "for collection of direct annual tax sufficient to pay interest on such debt as it falls due and also to pay and discharge the principal thereof within 20 years from the time of contracting the same". (Wis. XI 3.)

Method of Collecting — Execution

Town property held only for public purposes such as buildings and sites therefor, fire equipments, public grounds and property devoted exclusively to use of public exempt from "forced sale". This not to prevent enforcement of vendor's lien, mechanic's and builder's lien or other liens existing time adoption constitution. (Tex. XI 9.)

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TOWNS (*Cont'd*)

PUBLIC UTILITIES

See also above, this title, "POWERS AND RIGHTS — RESTRICTIONS UPON — STOCK AND BOND HOLDING", *and* "FINANCES — EXPENDITURES, RESTRICTIONS UPON — AID TO PRIVATE ENTERPRISE".

In General

Person or corporation constructing or operating on public streets under franchise liable to abutting property owners for actual damage on account of such construction or operation. (Ala. XII 227.)

Franchises

Right to collect rates or compensation for use of water supplied to town or inhabitants thereof is a franchise and cannot be exercised except by authority of and in the manner prescribed by law. (Cal. XIV 2; Ida. XV 2.)

No franchise relating to any street, alley or public place of city or county of Denver to be granted except on vote of tax-paying electors. Question to be submitted on deposit of expenses with treasurer. (Extended to towns.) (Colo. XX 4, 6.)

Not to be permitted to grant franchise or privilege or make any contract in reference thereto for more than 20 years; advertisement to be made, bids received, and award made to highest and best bidder, but all bids may be rejected. Not to apply to trunk railway. (Ky. 164.)

Legislature not to create corporation with power to acquire franchises in streets or highways of town, except by special act on petition therefor "pendency whereof shall be notified as may be required by law". (R.I. Amend. IX 2.)

Those having population more than 6,000 not to have authority to grant to person, corporation or association right to use streets or public places for construction or operation of waterworks, gas works, telephone or telegraph lines, electric light or power plants, steam or other heating appliances, street railroads or any other public utilities, except railroads other than street railroads for longer period than 30 years. (Ala. XII 228.)

No street railway, gas, water, steam or electric heat, light or power, cold storage, compressed air, conduit, telephone or bridge company, nor any corporation, association or persons or partnership engaged in these or like enterprises to be permitted to use streets, alleys or public grounds without consent of corporate authorities. No franchise, lease or right to use any public property in a way not permitted to general public to be granted for longer period than 30 years. Before granting any such franchise for a term of years, except for trunk railway, municipality shall advertise and receive bids and act accordingly as required by law. Nothing herein contained to prevent legislature from prescribing additional restrictions on power to grant franchises, or as repealing any such restrictions in any existing charter. (Va. VIII 124, 125.)

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TOWNS (*Cont'd*)
PUBLIC UTILITIES (*Cont'd*)
Franchises (*Cont'd*)
Legislature not to grant right to construct or operate street railroad within town without acquiring consent of local authorities having control of street to be occupied. (Ill. XI 4; Okla. IX 10; Tex. X 7; W.Va. XI 5.)
Legislature not to authorize construction street passenger railway within limits of incorporated town without consent corporate authorities. (Ga. III Sec. VII 20.)
Legislature not to pass law granting right to construct and operate street railroad within town without necessity first acquiring the consent of local authorities having control of street proposed to be occupied; and such franchise shall not be transferred without similar assent. (Mo. XII 20.)
No person, association or corporation to be authorized or directed to use streets, alleys or public places of for construction or operation of "any public utility or private enterprise" without first obtaining consent proper authorities thereof. (Ala. XII 220.)
No street railroad to be constructed within town without consent of local authorities having control of street or highway proposed to be occupied. (Colo. XV 11.)
No street or other railroad to be constructed within town without consent of local authorities having control of street proposed to be occupied. (Ida. XI 11; Mont. XV 12.)
No street railroad or telephone line may be constructed or operated within incorporated town without consent of local authorities controlling street or highway to be used. (Utah XII 8.)
No street passenger railway or telegraph or telephone line to be constructed within limits of without consent of local authorities; legislature not to grant right to construct and operate street railroad within town without requiring consent of local authorities having control of street proposed to be occupied. (S.D. X 3, XVII 10.)
Street railway, gas, water, steam heating, telephone, or electric light company not to be permitted or authorized to use streets for erection or laying of apparatus without consent of proper legislative boards of city. This section not to apply where charters conferring such rights were granted prior to constitution and work has begun thereunder. (Ky. 163.)
Nothing in the provisions relating to telephone and telegraph companies and their lines to interfere with rights of towns to arrange and control their streets and alleys and to designate places and manner of erecting or laying wires. (Ky. 199.)
Water companies must obtain consent of "proper legislative bodies or boards" before laying pipes, mains, etc. (Ky. 163.)

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TOWNS (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Regulation of

Supervision of public service corporations may be authorized by law as to companies doing business therein including regulation of rates and charges. (Proviso to sections specifying powers of corporation commission over public service corporations.) (Ariz. XV 3.)

Powers of municipal councils or other local governing bodies respecting public utilities to cease on passage of legislation conferring powers respecting such public utilities on state railroad commission so far as such powers conflict; but in case of incorporated towns such local powers over public utilities as relate to making and enforcement of local, police, sanitary and other regulations other than fixing of rates to continue unimpaired until an election is held in pursuance of law; such of these powers as majority of qualified electors voting at such election shall vote to retain to continue in the local authorities unimpaired; but if vote does not favor their continuation then such powers to vest in railroad commission; and in case the vote be in favor of retaining any of such powers a similar majority may later surrender them to the state commission. This provision not to affect town's right to grant franchises for public utilities on terms and conditions and in manner prescribed by law and not to be construed as a limitation on the constitutional powers of the railroad commission. (Cal. XII 23.)

Rates for water supplied by any person or corporation to town or its inhabitants to be fixed annually by council or other governing body by ordinance or otherwise in the manner that other ordinances or resolutions are passed by such body; such ordinances to be passed in February annually to take effect on July first; any party interested may maintain suit for peremptory process to compel passage of such ordinance and the board or body failing to pass same to be liable to further processes or penalties as legislature prescribes; collection of rates other than those fixed by such ordinance to work forfeiture of franchises and waterworks to the town for the public use. (Cal. XIV 1.)

Nothing in provision relating to powers of state corporation commission to impair rights conferred by law on authorities of town to prescribe rules, regulations or rates of charges by public service corporations in connection with services performed under municipal franchise so far as such services may be wholly within the limits of town granting franchises. (Okla. IX 18; Va. XII 156b.)

Every grant of franchise to make adequate provision by way of forfeiture or otherwise to secure efficient service at reasonable rates and maintenance of property in good order. (Va. VIII 125.)

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TOWNS (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Ownership and Operation

Railroad commission to have such jurisdiction as legislature confers on it to fix compensation to be paid for public utility property taken by incorporated town and legislature authorized to grant plenary powers to railroad commission "unlimited by any provision of this constitution". Previous legislation in accordance with this provision confirmed. (Cal. XII 23a.)

May acquire water and light plants by construction or private purchase and may operate waterworks systems and plants for furnishing lights and may furnish water and light to persons and private corporations for reasonable compensation, but no construction or purchase to be made except on majority vote of electors therein qualified to vote on bonded indebtedness thereof. (S.C. VIII 5.)

Every grant of franchise may provide that on its termination plant of grantee as well as its property in streets and public places to become property of town with or without compensation. But grantee not to be entitled to payment by reason of value of franchise. Every such grant to specify mode of determining any valuation therein provided for. Any such grant of property so acquired may be sold, or leased, or if authorized by law maintained and operated by such town. (Va. VIII 125.)

TOWNSHIPS

Under this title are digested all provisions relating specifically to townships. For provisions relating to municipalities and subdivisions of the state generally, and hence to this class, See MUNICIPALITIES.

See also TOWNS.

INCORPORATION AND ORGANIZATION

For organization of counties under township system, See COUNTIES —INTERNAL ORGANIZATION AND ADMINISTRATION.

Legislature to provide by general law for organization. (Cal. XI 4; Ill. X 5; Mo. IX 8; Nebr. X 5; Utah XI 4; Wash. XI 4.)

Special or local legislation for incorporation or amendment of charters, forbidden. (Pa. III 7.)

Special or local legislation changing lines or erecting new townships, forbidden. (Mo. IV 53; Pa. III 7.)

Private or special legislation for incorporation, forbidden. (Utah VI 26, 12.)

Local or special legislation incorporating or erecting or changing the lines of, forbidden. (Minn. IV 33.)

Legislature may provide "for the organization, for municipal and other town purposes, of any congressional or fractional townships" in counties of state, but when county lines divide a township or it contains less than 100 inhabitants, it may be attached to one or more adjoining townships or parts of townships for such municipal and other town purposes. (Minn. XI 8.)

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TOWNSHIPS (*Cont'd*)

INCORPORATION AND ORGANIZATION (*Cont'd*)

Legislature to provide by general law for organizing counties into townships "having due regard for congressional township lines and natural boundaries" and where population sufficient and natural boundaries permit "civil townships" to be co-extensive with congressional townships. (S.D. IX 4.)

In changing lines of "congressional townships" natural boundaries to be observed as nearly as possible. (N.D. X 167.)

Board of supervisors of each organized county may organize and consolidate townships under such restrictions and limitations as shall be prescribed by law. (Mich. VIII 15.)

Commissioners first elected to divide county into convenient districts, fix their boundaries and names and report to legislature before date fixed; when approved by legislature these districts to be townships; "but legislature may modify or abrogate". (N.C. VII 3, 4, 14.)

Legislature to provide by general law for system of township organization and government. (Wyo. XII 4.)

Legislature to establish uniform system of government throughout state. (Nev. IV 25.)

Legislature to provide system of government such as it thinks proper in any or all counties. (S.C. VII 11.)

Each of townships of state with names and boundaries established by law time adoption constitution to "constitute a body politic and corporate". This does not prevent legislature organizing other townships or changing boundaries of those already established; this not to apply to specified townships which by amendment are abolished. (S.C. VII 11.)

In counties which have adopted township organization, township local affairs to be managed and transacted in manner prescribed by general laws. (Cal. XI 4.)

When county adopts a system of township organization, local affairs of townships of any such county to be managed and transacted in manner prescribed by general law authorizing such township organization. (Wash. XI 4.)

Date of holding annual meeting to be uniform throughout state. (Ill. X 5.)

No two to have same name. (Ill. X 5.)

Suits and proceedings by or against to be in name of. (Mich. VIII 16.)

OFFICERS

See also PUBLIC OFFICERS.

In General

For provisions relating to constables, See CONSTABLES.

Township clerk to be *ex-officio* treasurer; "but legislature may modify or abrogate". (N.C. VII 6, 14.)

Township clerk and justices of peace to constitute board of trustees; but legislature may modify or abrogate. (N.C. VII 5, 14.)

Local and special legislation regulating, forbidden. (Nebr. III 15.)

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TOWNSHIPS (*Cont'd*)
OFFICERS (*Cont'd*)
Accounting for Public Funds
Legislature to provide for accountability in respect both to fees collected and all public or municipal moneys paid to them. (Cal. XI 5; Ida. XVIII 6; Pa. XIV 6; Wash. XI 5.)
No person who has collected or been entrusted with public money of township to be eligible to legislature or to any office of honor, trust or profit in the state until he shall have duly accounted for and paid over such money according to law. (W.Va. VI 14.)
Appointment
Local or special legislation relating to appointment of, forbidden. (Minn. IV 33.)
Compensation
Legislature to regulate. (Cal. XI 5.)
Legislature to prescribe. (N.D. X 173; S.D. IX 6.)
Until otherwise provided by law and when not otherwise provided by constitution, compensation to continue as provided by laws of territory for "like named officers". (Okla. Sched. 18.)
Legislature to regulate compensation in proportion to duties and for that purpose may classify townships according to population. (Wash. XI 5.)
Local or special laws regulating, prohibited. (Ind. IV 22.)
Local or special legislation fixing or relating to compensation, salary or fees of, forbidden. (Minn. IV 33.)
Creation of Offices
Legislature to provide by general and uniform laws for such township officers as public convenience requires. (Cal. XI 5; Ida. XVIII 6; S.D. IX 6; Wash. XI 5.)
Legislature to provide by law for such other officers than those named in the constitution as may be deemed necessary. (Colo. XIV 12; Ind. VI 3; Mont. XVI 6; N.D. X 173; Ore. VI 7.)
Legislature to provide for such as may be necessary. (Kan. IX 2; Minn. XI 4; Nebr. X 4; Ohio X 1.)
Except as otherwise provided by constitution legislature to provide for election or appointment of such as public convenience may require. (Mo. IX 14.)
Constitution creates in each organized county subject to change by legislature "such municipal township officers" as laws of territory provide for except as constitution provides otherwise. (Okla. XVII 2.)
Local or special legislation creating offices, forbidden. (Cal. IV 25; Ida. III 19; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Pa. III 7; Wyo. III 27.)
Election
See also ELECTIONS.
Special or local legislation providing for election of members of board of supervisors, forbidden. (Ill. IV 22; N.D. II 69.)
To be held on Tuesday succeeding first Monday November in even years. (Kan. IV 2.)

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TOWNSHIPS (*Cont'd*)

OFFICERS (*Cont'd*)

Election (*Cont'd*)

To elect annually first Monday April in each organized township following officers: supervisor; township clerk; commissioner of highways; treasurer; not exceeding four constables and one highway overseer for each highway district. (Mich. VIII 18.)

Clerk to be elected biennially by voters of township; "but legislature may modify or abrogate". (N.C. VII 5, 14.)

To be elected by electors of each township. (Ohio X 4.)

Fees

Legislature to establish fees to be collected for services performed in manner and for uses provided by law, and for this purpose may classify counties by population. (Cal. XI 5.)

Those established by special laws to cease at adoption constitution and only those provided by general laws to be thereafter received; all laws fixing fees to terminate within time fixed after adoption constitution, and legislature shall by general law, uniform in its operation, provide for and regulate such fees "so as to reduce the same to a reasonable compensation for services actually rendered"; legislature may, by general law, classify counties by population into not more than three classes and regulate fees according to class. To be uniform in same class of counties. Constitution not to be construed to deprive legislature of power to reduce fees. (Ill. X 11, 12.)

Impeachment, *See* IMPEACHMENT.

Place of Office

To keep office at such place in township as may be required by law. (Ark. XIX 4; Ind. VI 6; Ore. VI 8.)

Powers and Duties

To be prescribed by law. (Ida. XVIII 6, 11; Ind. VI 6; N.D. X 173; Ore. VI 8; S.D. IX 6; Wash. XI 5.)

Local or special legislation prescribing powers or duties thereof forbidden. (Cal. IV 25; Ida. III 19; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Pa. III 7; Wyo. III 27.)

Legislature by general and uniform laws to prescribe. (Cal. XI 5.)

To be prescribed by law for following officers: supervisor, township clerk, commissioner of highways, treasurer, not exceeding four constables and one highway overseer for each highway district. (Mich. VIII 18.)

Legislature may change and abolish powers and duties of commissioners and overseers of highways. (Mich. VIII 26.)

Except as otherwise provided by constitution to be as prescribed by law. (Mo. IX 14.)

Board of trustees under supervision of county commissioners to control taxes, finances, roads and bridges, as prescribed by law. Legislature may modify or abrogate. (N.C. VII 5, 14.)

Until otherwise provided by law and when not otherwise provided by constitution, powers and duties to continue as provided by laws of territory for "like named officers". (Okla. Sched. 18.)

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TOWNSHIPS (*Cont'd*)

OFFICERS (*Cont'd*)

Qualifications and Disqualifications

Until otherwise provided by law and when not otherwise provided by constitution, qualifications to continue as provided by laws of territory for "like named officers". (Okla. Sched. 18.)

To be electors in townships in which elected. (S.D. IX 7.)

Removal

Circuit court to have jurisdiction "upon information, presentation or indictment to remove any county * * * officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance on non-feasance in office". (Ark. VII 27.)

May be impeached or removed in manner prescribed by law. (Ind. VI 8.)

In such manner and for such cause as prescribed by law. (Kan. IX 5; Ohio X 6.)

In case of elected officer, to be in manner and for cause prescribed by law. (Mich. IX 8.)

Legislature to provide, in addition to other penalties, for removal on conviction of wilful, corrupt or fraudulent violation or neglect of official duty. (Mo. XIV 7.)

Residence

Must reside in township. (Ark. XIX 4; Ind. VI 6.)

Selection

Except as otherwise provided by constitution legislature to provide for election or appointment of such as public convenience may require. (Mo. IX 14.)

Term

Legislature to prescribe by general and uniform law. (Cal. XI 5; Ida. XVIII 6.)

To be prescribed by law not to exceed two years. (Colo. XIV 12.)

Two years and until successors qualify; except specified county commissioners. (Kan. IV 2.)

Except as otherwise provided by constitution to be as prescribed by law, but not to exceed four years. (Mo. IX 14.)

To be prescribed by law but not to exceed two years, except as otherwise provided in constitution. (Mont. XVI 6.)

Not exceeding three years as provided by law, and until successors qualify. (Ohio X 4.)

Such even number of years not exceeding four as may be prescribed by legislature. (Elective officers.) (Ohio XVII 2.)

Until otherwise provided by law and when not otherwise provided by constitution term to continue as provided by laws of territory for "like named officers". (Okla. Sched. 18.)

Commences first Monday December in odd numbered year until legislature provides otherwise. (Pa. Sched. 2.)

To be fixed by legislature. (Wash. XI 5.)

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TOWNSHIPS (*Cont'd*)

OFFICERS (*Cont'd*)

Vacancy

Occurring six months before next general election to be filled by governor (all other vacancies, without specific mention of township offices, to be filled by special election). (Ark. VII 50.)

To be filled in manner prescribed by law. (Ind. VI 9; Ore. VI 9.)

Except in office of county commissioner, to be filled by appointment by board of county commissioners; appointee to hold till next general election. (Mont. XVI 5.)

Board of county commissioners to fill by appointment and appointees to hold until next general election and successors qualify. (Wash. XI 6.)

POWERS AND RIGHTS

See also throughout this title generally.

In General

Authorized to make and enforce within its limits such local police, sanitary and other regulations as are not in conflict with general laws. (Cal. XI 11; Wash. XI 11.)

Each organized township to be body corporate with powers and immunities prescribed by law. (Mich. VIII 16.)

Legislature may by general law confer on organized townships such powers of "a local, legislative and administrative character" not inconsistent with constitution as it deems proper. (Mich. VIII 17.)

To have corporate powers for necessary purposes of local government; "but legislature may modify or abrogate". (N.C. VII 4, 14.)

Restrictions Upon

Not to become joint owner with any person or corporation, "public or private," "in or out of state" except such ownership as may accrue to township jointly with any person, company or corporation by forfeiture or sale of real estate for non-payment of taxes or by donation or devise for public use or by purchase by or on behalf of any or either of them jointly with any or either of them under execution in cases of crimes, penalties or forfeitures or recognizance, breach of condition of official bonds, or of bond to secure public money or the performance of any contract in which they or any of them may be jointly or severally interested. Not to become subscriber to or shareholder in any corporation or company. (Colo. XI 2.)

Legislature not to authorize becoming stockholder in foreign association or corporation. (Fla. IX 10.)

Subscription to capital stock of any railroad or private corporation forbidden, but this not to affect right to make such subscriptions when authorized under existing laws by vote of people prior to adoption of this amendment. (Ill. Amend. 1870 — Municipal Subscriptions to Corporations.)

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TOWNSHIPS (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

Restrictions Upon (*Cont'd*)

Legislature not to authorize to become stockholder in corporation, association or company. (Mo. IV 47.)

Not to become subscriber to stock of railroad or other corporation or association. Authority previously conferred by legislature or by charter of any corporation repealed; but this does not prevent such subscription where authorized by vote of people prior to constitution or to prevent renewal bonds or other means prescribed by law for payment of such subscription or of any indebtedness prior to constitution. (Mo. IX 6.)

Not to be directly or indirectly owner of any stock or bonds of any association or corporation. (N.J. I 19.)

Not to subscribe to or become owner of capital stock of any association or corporation. (N.D. XII 185.)

No law to authorize becoming joint owner or stockholder in any company by vote of citizens or otherwise; but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)

Legislature not to authorize becoming stockholder in company, association or corporation. (Pa. IX 7.)

Not to become owner of capital stock of any association or corporation. (S.D. XIII 1.)

Legislature not to authorize township to subscribe to stock or bond in aid of any railroad, telegraph, or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Not to become owner of corporate stock in any association or corporation. (Wyo. XVI 6.)

CONTROL BY STATE

In General

Legislature may provide by general law for laying out, construction and improvement of highways, bridges and culverts. (Mich. VIII 26.)

Restrictions Upon

Local or special legislation regulating affairs of, forbidden. (Cal. IV 25; Colo. V 25; Ida. III 19; Ill. IV 22; Ind. IV 22; Minn. IV 33; Mo. IV 53; Mont. V 26; N.D. II 69; Pa. III 7; S.D. III 23; Wyo. III 27.)

Local and special legislation regulating business of, forbidden; but this does not restrict power of legislature to establish and regulate compensation and fees of township officers. (Nev. IV 20.)

Private and special legislation regulating affairs of, prohibited, but this provision does not restrict the legislative power to establish and regulate compensation and fees of county officers. (Utah VI 26, 11.)

FINANCES

For provisions incidentally relating to finances, See also above, this title, "POWERS AND RIGHTS" *and* "CONTROL BY STATE".

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TOWNSHIPS (*Cont'd*)

FINANCES (*Cont'd*)

In General

No money to be drawn from treasury except by authority of law. (Minn. XI 6; Ohio X 5.)

No money to be drawn from township treasury except by authority of law; "but legislature may modify or abrogate". (N.C. VII 8, 14.)

Aid to Private Enterprise

Not to make appropriation or pay from any public fund or grant anything to or in aid of religious sect, church, creed or sectarian purpose or help to support or sustain any school, college, university, hospital or other institution controlled by any religious creed, church or sectarian denomination, but this does not prevent legislature granting aid to institutions for the support and maintenance of dependent children and indigent aged persons authorized by constitution. (Cal. IV 30.)

Not to make donation or grant to or in aid of any person, company or corporation, "public or private" in or out of state. (Colo. XI 2.)

Legislature not to authorize obtaining or appropriating money for corporation, association, institution or individual. (Fla. IX 10.)

Donations to railroad or private corporation, prohibited. (Ill. Amend. 1870—Municipal Subscriptions to Corporations.)

Appropriation or donation to or in aid of railroad or other corporation or association, forbidden, or college or institution of learning or other institution of learning created for or controlled by state or others. Authority previously conferred by legislature or by any corporate charter repealed. (Mo. IX 6.)

Legislature not to authorize grants of public money or thing of value to or in aid of individual or association or corporation. (Mo. IV 47.)

Forbidden to give or lend money to or in aid of any individual, association or corporation. (N.J. I 19.)

Not to make donations to individual, association or corporation except for necessary support of poor. (N.D. XII 185; Wyo. XVI 6.)

Donations to, forbidden, to railroad or telegraph lines. (Wyo. X Railroads 5.)

Legislature not to authorize appropriation of money to "any corporation, association, institution or individual". (Pa. IX 7.)

Not to make donations to or in aid of, or pay the debt or liability of, individual, association or corporation, except for necessary support of poor. (S.D. XIII 1.)

Debt, *See below, this title*, DEBT.

Taxation, *See* TAXATION.

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TOWNSHIPS (*Cont'd*)

DEBT

Existing Time Adoption Constitution

Nothing in constitution to legalize invalid debt under territory or impair any defense against payment thereof; limitations on amount of debt not to "apply" to bonds to pay debts existing under territory. (Okla. Sched. 37, 25.)

Purpose

In General

Legislature not to authorize issuance of bonds for any purpose "except educational purposes to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, township officers and for litigation, quarantine and court expenses and for ordinary township purposes to support paupers and pay past indebtedness"; but this not to apply to specified township which is expressly authorized to issue bonds in aid of railroad construction not exceeding 8 per cent. assessed valuation thereof. (S.C. X 6.)

Aid to Private or Corporate Enterprise

Legislature not to authorize giving or lending credit of township in aid of any person, association or corporation or pledge credit thereof for payment of liabilities of any individual, association or corporation. (Cal. IV 31.)

Not to lend or pledge credit or faith in any manner to or in aid of any person, company or corporation for any amount or for any purpose, "public or private", or become responsible for any debt, contract or liability of any person, company or corporation "public or private", in or out of state. (Colo. XI 1.)

Legislature not to authorize loan of credit to any corporation, association, institution or individual. (Fla. IX 10; Pa. IX 7.)

Not to lend or pledge credit or faith in any manner to or in aid of individual, association or corporation for any amount or for any purpose or become responsible for any debt contracted or liability of any individual, association or corporation in or out of state. (Ida. VIII 4.)

Loan of credit in aid of railroad or private corporation forbidden. (Ill. Amend. 1870 — Municipal Subscriptions to Corporations Separately Submitted.)

Legislature not to authorize to incur debt in aid of construction or equipment of railroads to amount exceeding 5 per cent. of value of taxable property. (Minn. IX 15.)

Legislature not to authorize loans of credit to individual, association or corporation. (Mo. IV 47.)

Not to lend credit to railroad or other corporation or association, or to any "college or institution of learning or other institution whether created for or to be controlled

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TOWNSHIPS (*Cont'd*)

DEBT (*Cont'd*)

Purpose (*Cont'd*)

Aid to Private or Corporate Enterprise (*Cont'd*)

by state or others". Authority previously conferred by legislature or by corporate charters repealed. This does not prevent issue of bonds or other means of payment of subscription to corporate stock authorized by people prior to constitution or of other than existing debt. (Mo. IX 6.)

Not to lend credit to any individual, association or corporation, or become security for any association or corporation. (N.J. I 19.)

Credit not to be given or loaned to or in aid of any individual, association or corporation, except for necessary support of poor. (N.D. XII 185.)

No law to authorize raising money or lending credit to any company or association by vote of citizens or otherwise; but this does not prevent insuring public buildings in mutual insurance companies. (Ohio VIII 6.)

Not to lend or give credit to or in aid of, or become responsible for debt or liability of, individual, association or corporation, except for necessary support of poor. (S.D. XIII 1.)

Legislature not to authorize township to lend credit in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking. (Utah VI 31.)

Not to give or lend credit to individual, association or corporation except for necessary support of poor; and not to give or lend credit in aid of railroad or telegraph lines; but this does not affect obligations contracted prior to adoption of constitution. (Wyo. XVI 6, X Railroads 5.)

Legislature not to authorize giving or lending credit in aid of any municipal corporation or to pledge credit thereof for payment of liabilities of any municipal corporation. (Cal. IV 31.)

Not to lend or pledge credit or faith in any manner to or in aid of any corporation, "public or private", or become responsible for any debt, contract or liability of any corporation, "public or private", in or out of state. (Colo. XI 1.)

Referendum

All indebtedness or liability in excess of income and revenue for any year must be approved by two-thirds of qualified electors voting at election held for purpose. Except as provided in constitution debt incurred contrary to this provision to be void. (Cal. XI 18.)

Not to be allowed to become indebted for any purpose in amount exceeding in any year income and revenue provided for such

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TOWNSHIPS (*Cont'd*)

DEBT (*Cont'd*)

Referendum (*Cont'd*)

year without assent of two-thirds voters thereof voting at election held for purpose. Any debt or liability incurred contrary to the provision limiting its amount to be void; but this not to be construed "to apply to the ordinary and necessary expenses authorized by the general laws of the state". (Ida. VIII 3.)

Not to be allowed to become indebted in any manner or for any purpose to amount exceeding in any year income and revenue provided in such year without assent two-thirds voters thereof voting at election held for purpose. (Mo. X 12.)

Debts in excess of constitutional limit may be authorized for water supply or sewer system, when municipal corporations submit question to vote of taxpayers. (Mont. XIII 6.)

Not to be allowed to become indebted in any manner for any purpose to amount exceeding in any year income and revenue provided in such year without assent three-fifths voters thereof voting at election held for purpose. (Okla. X 26.)

Total amount township debt limited to 7 per cent. on assessed value taxable property; "nor shall any such municipality or district incur any new debt or increase its indebtedness" to amount exceeding 2 per cent. on such assessed valuation without assent of electors thereof at public election in manner provided by law. (Pa. IX 8.)

No debt to be incurred by "civil township", "for any of the purposes in this section provided" unless authorized by vote of majority of electors; and "civil township" not to be included in any "district or subdivision" by which debt is incurred without a majority vote of electors of such township in favor thereof. (S.D. XIII 4.)

Limit of Amount

Not to be allowed to become indebted in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 5 per cent. value of taxable property therein; to be ascertained by last assessment for state and county taxes previous to incurring debt; but this not to prevent issuing bonds in compliance with vote of people had prior to adoption constitution in pursuance of law. (Ill. XI 12.)

Legislature not to authorize issue of bonds or incurring indebtedness in any manner "to aid in the construction or equipment of any or all railroads" to an amount exceeding 5 per cent. of value of taxable property; such value to be ascertained by last assessment for state and county taxes previous to incurring debt. (Minn. IX 15.)

Not to be allowed to incur debt even after approval on referendum to amount including existing debt in aggregate exceeding 5 per cent. of value of taxable property therein, ascertained by assessment next before last assessment for state and county purposes. (Mo. X 12.)

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TOWNSHIPS (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

Not to be allowed to become indebted in any manner or for any purpose to amount including existing indebtedness in aggregate exceeding 3 per cent. of value of taxable property therein to be ascertained by last assessment for state and county taxes previous to incurring such debt; all bonds and obligations in excess of this amount to be void; legislature may extend this limit by authorizing municipal corporations to submit question to vote of taxpayers affected when increase is necessary to construct sewerage system or to procure water supply for such municipality "which shall own and control said water supply and devote revenues derived therefrom to the payment of the debt". (Mont. XIII 6.)

Shall never exceed 5 per cent. of assessed value of taxable property therein. In computing existing debt its entire amount whether contracted prior or subsequent to adoption of constitution to be included. Bonds or obligations in excess of limit to be void. (N.D. XII 183.)

Not to be allowed to incur debt even after approval on referendum in excess of income and revenue to amount including existing debt in aggregate exceeding 5 per cent. valuation taxable property therein to be ascertained from last assessment for state and county purposes previous to incurring debt. This limitation not to "apply" to debt created or bonds issued to pay debt existing under territory. (Okla. X 26, Sched. 25.)

Except as provided in constitution, not to exceed 7 per cent. upon assessed value taxable property therein. (Pa. IX 8.)

Not to exceed 8 per cent. assessed value taxable property therein and not to be authorized to increase bonded debt if existing bonded debt amounts to 8 per cent. of taxable property as ascertained by valuation of state taxes. When several political divisions or municipal corporations cover same territory each of such divisions or corporations to "so exercise its power to increase its debt" that aggregate debt upon any territory of state shall never exceed 15 per cent. of taxable property in such territory as valued for state taxes; but this not to prevent issue of bonds to refund valid municipal debt contracted in excess of the 8 per cent. limit prior to adoption of constitution. (S.C. X 5.)

Debt of "civil township" never to exceed 5 per cent. of assessed valuation of taxable property therein for year preceding that in which the indebtedness is incurred; but additional debt not exceeding 10 per cent. on such assessed valuation may be incurred "for the purpose of providing water and sewerage for irrigation, domestic uses, sewerage and other purposes". "In estimating amount of the indebtedness which a municipal subdivision may incur amount of indebtedness contracted prior to the adoption of the constitution shall be included". (S.D. XIII 4.)

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TOWNSHIPS (*Cont'd*)
DEBT (*Cont'd*)
Bonds
For exemption of from taxation, See TAXATION — EXEMPTIONS.
No bond to be valid unless endorsed with certificate signed by county clerk or other duly authorized officer and the county attorney, stating that it is issued pursuant to law and is within debt limit. (Okla. X 29.)
No bond or evidence of debt to be valid unless endorsed with certificate of township auditor or other officer authorized by law that it is issued pursuant to law and within debt limit. (Wyo. XVI 8.)
Redemption and Interest
No indebtedness or liability in excess of revenue or income to be incurred unless before or at time of incurring provision be made for collection of annual tax sufficient to pay interest as it falls due and to constitute sinking fund for payment of principal within 40 years from time of contracting. Except as provided in constitution, debt incurred contrary to this provision to be void. (Cal. XI 18.
Before incurring debt requiring assent of voters, provision to be made for collection of annual tax sufficient to pay interest as due and to constitute sinking fund for discharge of principal within 20 years from time of contracting. (Ida. VIII 3; Mo. X 12.)
Provision to be made at or before incurring of debt for collection of annual tax sufficient to pay interest and principal when due; laws or ordinances making such provision to be irrepealable until debt paid. (N.D. XII 184.)
Before or at time of incurring debt in excess of income and revenue provision to be made for collection of annual tax sufficient to pay interest and to constitute sinking fund for payment of principal within 25 years from date of contracting. (Okla. X 26.)
Provision to be made at or before incurring debt for collection of annual tax sufficient to pay interest and discharge principal within 30 years. (Pa. IX 10.)
Township to levy "sufficient additional revenue" to create sinking fund to be used first, for payment of interest coupons; second, for payment of bonds; third, for payment of such parts of judgments as such municipality may by law be required to pay. (Okla. X 28.)
Authorized to pay debts existing under territory either by tax levy or by issuing bonds under provisions of laws extended and in force in state. (Okla. Sched. 25.)
PUBLIC UTILITIES
Franchises
No street passenger railroad may be constructed within limits of township without consent of local authorities. (Pa. XVII 9.)

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TOWNSHIPS (*Cont'd*)

PUBLIC UTILITIES (*Cont'd*)

Franchises (*Cont'd*)

No public utility franchise "which is not subject to revocation at the will of the township" to be granted unless the proposition is first approved by majority of township electors voting thereon at regular or special election. (Mich. VIII 19.)

No person, partnership, association or corporation operating public utility to have right to use highways, streets, alleys or other public place of township for wires, poles, pipes, tracks or conduits without consent of duly constituted authorities thereof, or to transact a local business therein without first obtaining a franchise from township. (Mich. VIII 28.)

TRADE AND BUSINESS

Special, private and local laws regulating trade, prohibited. (Ky. 59; La. 48; Mo. IV 53; Pa. III 7; Tex. III 56; Va. IV 63.)

Secretary of internal affairs to discharge such duties in regard to business interests of state as may be provided by law. (Pa. IV 19.)

Governor may lay embargoes and prohibit exportation, for not over 30 days, in recess of legislature. (Vt. II 20.)

Industry, *See* INDUSTRY.

Manufacture, *See* MANUFACTURE.

Monopolies and trusts, *See* MONOPOLIES AND TRUSTS.

State in business, *See* STATE BUSINESS ENTERPRISE.

TRANSMISSION COMPANIES

See also TRANSPORTATION COMPANIES.

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all public service corporations, See PUBLIC SERVICE CORPORATIONS.

For provisions relating to all corporations, See CORPORATIONS.

Telegraph companies, See TELEGRAPH COMPANIES.

Telephone companies, See TELEPHONE COMPANIES.

Electric companies, See ELECTRIC COMPANIES.

ACCEPTANCE OF STATE CONSTITUTION

Complete acceptance of constitution prerequisite to benefit of any future legislation; provision does not validate any charter. (Okla. IX 11.)

APPEALS FROM COMMISSION TO SUPREME COURT

Allowed from action on rates, charges, classifications, train schedules, additional facilities, suspending bonds and additional security on appeal. (Okla. IX 20; Va. XII 156d.)

Court must substitute own order for reversed order of commission, which has effect as of original date of reversed order; otherwise reversal order invalid. (Okla. IX 23; Va. XII 156g.)

New evidence not to be introduced; commission's order deemed *prima facie* correct; case may be remanded for further investigation. (Okla. IX 22; Va. XII 156f.)

Other orders of commission, based on different circumstances, are not affected, on appeal from an order. (Okla. IX 23; Va. XII 156g.)

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TRANSMISSION COMPANIES (*Cont'd*)

APPEALS FROM COMMISSION TO SUPREME COURT (*Cont'd*)

Removal of cases involving orders allowed; such cases given preference and heard at all times. (N.M. XI 7.)

Supersedeas may be granted; suspending bond required to prevent rates, classification, etc., becoming effective; accounts must be kept, pending appeal, of disputed amounts collected, to make refunds, if ordered. (Okla. IX 21; Va. XII 156e.)

AS COMMON CARRIERS

Declared to be common carriers when engaged in transmission for hire and subject to liability and taxation as such. (S.C. IX 3.)

Declared to be common carriers, and subject to control by law. (Ariz. XV 10.)

CONNECTIONS AND CROSSINGS

Every public service corporation engaged in business of transmitting messages for profit must receive and transmit or deliver, without delay or discrimination, messages from or to other public service corporations doing similar business, under regulations to be prescribed by commission or by law. (Ariz. XV 9.)

Public service corporations engaged in transmitting messages for profit must make physical connection with lines of similar public service corporations, as may be prescribed by commission or by law. (Ariz. XV 9.)

Right in every public service corporation, organized or authorized to do transmission business in state, to connect at state lines and to cross, intersect or connect with lines of other public service corporations. (Ariz. XV 7.).

Right to connect at state lines or intersect or cross other lines; must receive and transmit other's messages without delay or discrimination. (S.C. IX 6.)

CONSOLIDATION

Jury trial to determine whether lines are parallel or competing may be demanded by complainant. (S.C. IX 7.)

Not to consolidate stock, property or franchises with parallel or competing line. (S.C. IX 7.)

Permitted with written consent of corporation commission; legislature may further limit right to consolidate. (Okla. IX 9.)

CONSTRUCTION AND OPERATION

Every public service corporation organized or authorized under laws of state to do transmitting business has right to construct and operate lines between any points in state. (Ariz. XV 7.)

DEFINITION

Includes any company, receiver or other person, owning, leasing or operating for hire any telegraph or telephone line. (Okla. IX 34; Va. XII 153.)

DISCRIMINATION

Corporation commission to institute cases before federal authorities where interstate rate discriminates against citizens of state. (N.M. XI 9.)

No discrimination to be made in charges or facilities between places or persons. (S.C. IX 5.)

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TRANSMISSION COMPANIES (*Cont'd*)

DISCRIMINATION (*Cont'd*)

No discrimination or delay to be made in receipt, transportation or delivery of messages which they are required to receive, transmit or deliver, by public service corporations. (Ariz. XV 9.)

FRANKS, *See below, this title*, RATES.

OFFICERS, AGENTS AND EMPLOYEES

Ineligible to state corporation commission. (N.M. XI 3.)

PASSES AND REDUCED RATES, *See below, this title*, RATES.

PRIVATE ACTIONS OR PROCEEDINGS

No question of reasonableness, justness or validity of commission's order, made within its authority and then in force, to be raised directly or collaterally. (Okla. IX 24.)

Private cases involving commission's order not to be heard, on objection, pending suspension of order in supreme court or by law. (Okla. IX 24.)

Private rights of action not affected by penalties imposed by commission on company. (Okla. IX 24.)

PROPERTY

Rolling stock and other movable property is personal property; all real and personal property liable to execution and sale and may not be exempted therefrom. (Okla. IX 7.)

RATES

For same class of messages rates not to be more for shorter than including longer distance over same line in same direction unless state corporation commission permits in certain named cases; exceptions enumerated. (N.M. XI 10; Okla. IX 30; Va. XII 160.)

For same kind of message rates not to be more for shorter than including longer distance, over same line in same direction, except that air-line distance may be basis in certain cases; corporation commission may prescribe other rates; exceptions enumerated. (N.M. XI 10.)

"Frank" means writing or token issued by or under authority of transmission company, entitling holder to any service from such company free of charge. (Okla. IX 34; Va. XII 153.)

No discrimination to be made between places or persons. (S.C. IX 5.)

Passes forbidden except to employees and their families and numerous named classes of persons, such as those engaged in religious and charitable work, destitute persons, ex-soldiers, caretakers of shipments, inspectors, etc., and in cases of calamitous visitation"; violation of section a crime and legislature to provide penalties. (Okla. IX 13.)

Passes or reduced rates not offered public not to be granted member of legislature or state, county, district or municipal officer; members and officers of corporation commission excepted, penalties on company to be prescribed; on recipient, forfeiture of office and other penalties to be prescribed; street railroads excepted as to policemen and firemen. (Va. XII 161.)

Shall be construed to mean rate of charge for any service rendered or to be rendered and includes joint rates, and "charge" includes joint charges. (Okla. IX 34; Va. XII 153.)

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TRANSMISSION COMPANIES (*Cont'd*)

RATES (*Cont'd*)

Special rates permitted for exigencies; in mileage, excursion, and commutation tickets; for public objects; in state or United States service. (Okla. IX 30; Va. XII 160.)

Special rates permitted for exigencies; in mileage, excursion and commutation tickets; for public or charitable objects; in state or United States service. (N.M. XI 10.)

Supervision and control by legislature or commission. *See below, this title,* REGULATION.

REGULATION

By Commission

Corporation commission may inspect books and records and require special reports, under oath. (N.M. XI 11.)

Corporation commission to keep itself informed of interstate rates and institute cases before federal authorities, where rate unreasonable, etc., or discriminates against citizens of state. (N.M. XI 9.)

No order of commission shall be retroactive. (Okla. IX 23; Va. XII 156g.)

Rates fixed and controlled by corporation commission, with reference to earnings, investment and expenditures of company as a whole within state. (N.M. XI 7.)

Rates, classifications, rules, etc., inconsistent with those prescribed by corporation commission are unlawful and void. (Okla. IX 18; Va. XII 156b.)

Supervision and control in all matters relating to public duties, rates, abuses, facilities, inspection, etc., vested in state corporation commission. (Okla. IX 18; Va. XII 156b.)

Definition

Includes joint regulations. (Okla. IX 34; Va. XII 153.)

By Legislature

Legislature to prevent abuses, discrimination and extortion in charges, supervise and regulate, by commission or otherwise, and provide penalties, to extent of forfeiture of franchise. (S.C. IX 13.)

REPEAL OF CONSTITUTIONAL PROVISIONS BY LEGISLATURE

After a designated date, legislature given power to repeal certain provisions of constitution relating to certain classes of public service corporations, their rates, facilities, etc. (Okla. IX 35; Va. XII 156 (1).)

After a designated date, legislature given power to repeal certain provisions of constitution relating to corporation commission, its powers and duties and procedure on appeal therefrom. (Okla. IX 35; Va. XII 156 (1).)

TRANSPORTATION COMPANIES

See also TRANSMISSION COMPANIES.

For provisions relating to all common carriers, See COMMON CARRIERS.

For provisions relating to all corporations, See CORPORATIONS.

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TRANSPORTATION COMPANIES (*Cont'd*)

Car companies, See CAR COMPANIES.

Common carriers, See COMMON CARRIERS.

Express companies, See EXPRESS COMPANIES.

Railroads, See RAILROADS.

Sleeping car companies, See SLEEPING CAR COMPANIES.

Steamship companies, See STEAMSHIP COMPANIES.

Street railroads, See STREET RAILROADS.

ACCEPTANCE OF STATE CONSTITUTION

"Complete" acceptance of constitution prerequisite to benefit of any future legislation; provision does not validate any charter. (Okla. IX 11.)

Must accept provisions of constitution as condition precedent to benefit under future general or special laws, "other than in execution of a trust created by law or by contract". (Ala. XII 246.)

Must accept provisions of constitution as condition precedent to benefit under future general or special laws. (Pa. XVII 10.)

To be filed "in binding form" in secretary of state's office as prerequisite to benefit of any future legislation. (Colo. XV 7; Mont. XV 8.)

To be filed in secretary of state's office as prerequisite to benefit of any future legislation. (Wyo. X Railroads 6.)

APPEALS TO COURTS

Appeals from rates fixed by legislature to courts permitted, rates so fixed standing pending appeal. (N.D. VII 142.)

On decision of railroad commission on right to raise rate, not reviewable except on question of confiscation. (Cal. XII 20.)

Rates fixed by board of railroad commissioners stand pending appeal to courts. (N.D. VII 142.)

To supreme court; new evidence not to be introduced; commission's order deemed *prima facie* correct; case may be remanded for further investigation. (Okla. IX 22; Va. XII 156f.)

To supreme court; court must substitute own order for reversed order of commission, which has effect as of original date of reversed order; otherwise reversal order invalid. (Okla. IX 23; Va. XII 156g.)

To supreme court on rates, charges, classifications, train schedules, additional facilities, suspending bonds and additional security on appeal, provided for. (Okla. IX 20; Va. XII 156d.)

To supreme court; other orders of commission, based on different circumstances, are not affected. (Okla. IX 23; Va. XII 156g.)

To supreme court; supersedeas may be granted; suspending bond required to prevent rates, classification, etc., becoming effective; accounts must be kept, pending appeal, of disputed amounts collected, to make refunds, if ordered. (Okla. IX 21; Va. XII 156e.)

Any company which does not comply with order of commission may remove cause to supreme court (detailed provisions given). (N.M. XI 7.)

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TRANSPORTATION COMPANIES (*Cont'd*)

BONDS

Fictitious increase of indebtedness shall be void. (Miss. VII 196.)

To be issued only for money, labor done (or in good faith agreed to be done) or money or property actually received. (Miss. VII 196.)

CARS OR MOTIVE POWER

Preferences in furnishing cars or motive power either by company or lessee, manager or employee, forbidden. (Ida. XI 6; Mont. XV 7.)

AS COMMON CARRIERS

Declared to be common carriers and rates for passengers and freight subject to legislative control. (Ida. XI 5; Mont. XV 5; N.D. VII 142; S.D. XVII 15.)

Declared to be common carriers if engaged in transportation of persons, property, mineral oils or products, news or intelligence. (Wyo. X Corporations 7.)

Declared to be common carriers and subject to legislative control. (Cal. XII 17; Utah XII 12; Wash. XII 13.)

Declared to be common carriers when engaged in transportation for hire and subject to liability and taxation as such. (S.C. IX 3.)

CONNECTIONS AND CROSSINGS

Every public service corporation doing transportation business in state must receive and transport, without delay or discrimination, cars, loaded or empty, property or passengers, and deliver cars, loaded or empty, without delay or discrimination to other transportation corporations, under regulations to be prescribed by commission or by law. (Ariz. XV 8.)

Must receive and transport each other's passengers and freight, without discrimination or unnecessary delay. (Utah XII 12.)

Right to connect at state lines or intersect or cross other street railway or road; must receive other road's freight, passengers and cars without delay or discrimination. (S.C. IX 6.)

Right in every public service corporation, organized or authorized to do transportation business in state, to connect at state lines and to cross, intersect or connect with lines of other public service corporations. (Ariz. XV 7.)

CONSOLIDATION

Holding companies, control of stock, etc., to accomplish things forbidden by constitution, forbidden. (S.C. IX 19.)

Jury trial to determine whether lines are parallel or competing may be demanded by complainant. (S.C. IX 7.)

Not to consolidate stock, property or earnings nor have officers in common with parallel or competing controlling line. (Mont. XV 6.)

Not to consolidate stock, property or franchises with parallel or competing line. (S.C. IX 7.)

Permitted with written consent of corporation commission; legislature may further limit right to consolidate. (Okla. IX 9.)

CONSTRUCTION AND OPERATION

Every public service corporation organized or authorized under laws of state to do transportation business has right to construct and operate lines between any points in state. (Ariz. XV 7.)

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TRANSPORTATION COMPANIES (*Cont'd*)

DEFINITION

Includes any company, trustee or other person owning, leasing or operating for hire railroad, street railway, canal, steamboat or steamship line, freight car company, car association, car trust, express company, or company, trustee or person in any way engaged in business as common carrier over route acquired in whole or part by eminent domain. (Va. XII 153.)

Includes any company, corporation, trustee, receiver or other person owning, leasing or operating for hire, railroad, street railway, canal, steamboat line, freight car company, car association, express company, sleeping car company, car corporation, or company, trustee or person in any way engaged in such business as a common carrier over route acquired in whole or part by eminent domain or under federal grant. (Okla. IX 34.)

DISCRIMINATION

In charges or facilities between places or persons for freight or passengers, forbidden. (Cal. XII 21.)

In charges or facilities between places or persons for freight or passengers, or in facilities for transportation of same classes of freight or passengers, forbidden. (Wash. XII 15.)

Same; except that commission may permit competitive rates at junctional and competitive points, with water competition or with points in other states. (S.C. IX 5.)

In charges or facilities between transportation companies and individuals by abatement, drawback, etc., forbidden. (Ark. XVII 6; Pa. XVII 7.)

In charges or facilities between transportation companies and individuals, forbidden. (Mo. XII 23.)

In charges or facilities for freight or passengers, forbidden. (Mont. XV 7.)

Commission may permit discrimination by making competitive rates at junctional and competitive points, with water competition or with points in other states. (S.C. IX 5.)

Corporation commission to institute cases before federal authorities where interstate rate discriminates against citizens of state. (N.M. XI 9.)

Delay or discrimination in receipt or transportation of cars, loaded or empty, from other lines, forbidden. (S.C. IX 6.)

Same; or in delivery of same. (Ariz. XV 8.)

Delay or discrimination in receipt or transportation of passengers or freight from other lines, forbidden. (Ariz. XV 8; S.C. IX 6; Utah XII 2.)

Equal rights to all to have persons or property transported; preference may be given perishable property. (Ida. XI 6.)

"Long and short haul" provisions, *See below, this title*, "LONG AND SHORT HAUL" PROVISIONS.

Passes or reduced rates, *See below, this title*, PASSES OR REDUCED RATES.

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TRANSPORTATION COMPANIES (*Cont'd*)

DISCRIMINATION (*Cont'd*)

Preferences in furnishing cars or motive power, by company or lessee, manager or employee, forbidden. (Ida. XI 6; Mont. XV 7.)

In rates forbidden; excursion and commutation tickets allowed at special rates, "provided such rates are same to all persons". (Mont. XV 7.)

FREIGHT, DEFINITION OF

"Freight" shall be construed to mean property transported or received for transportation by any transportation company. (Okla. IX 34; Va. XII 153.)

INDEBTEDNESS

Fictitious increase of indebtedness shall be void. (Miss. VII 196.)

LIABILITY CONTRACTS

May not contract to limit or relieve their common-law liability. (S.C. IX 3.)

"LONG AND SHORT HAUL" PROVISIONS

See also above, this title, DISCRIMINATION.

Commission may, after investigation, permit less charge for longer than for shorter distances. (Cal. XII 21.)

Commission may authorize company to disregard "long and short haul" provision to or from junctional or competitive points or where competition of points in other states makes necessary to protect commerce of state. (N.M. XI 10; Okla. IX 30; Va. XII 160.)

Commission not prevented by "long and short haul" provision from making competitive rates at junctional and competitive points with water competition or with points in other states. (S.C. IX 5.)

Persons and property to be transported at rates not more for shorter than including longer distance, nor shall through rates be higher than aggregate of intermediate rates. (Cal. XII 21.)

Persons and property to be transported at rates not exceeding rate for same class to more distant place or station; penalties to be prescribed. (Ida. XI 6; Mont. XV 7.)

Persons and property to be transported at rates not exceeding rates for same class, in same direction, to more distant station, port or landing. (S.C. IX 5; Wash. XII 15.)

OFFICERS, AGENTS AND EMPLOYEES

Ineligible to state corporation commission. (N.M. XI 3; Okla. IX 16; Va. XII 155.)

PASSES OR REDUCED RATES

Acceptance by member of legislature or officer exercising judicial functions a misdemeanor (for which punishment is named); jurisdiction of offense; upon conviction, subject to impeachment and removal. (Ala. XII 244.)

Excursion and commutation tickets may be authorized by railroad commission. (Cal. XII 21.)

Excursion and commutation tickets may be issued at special rates. (S.C. IX 5; Wash. XII 15.)

Forbidden except to officers or employees. (Pa. XVII 8.)

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TRANSPORTATION COMPANIES (*Cont'd*)

PASSES OR REDUCED RATES (*Cont'd*)

Forbidden to person holding office of honor, trust or profit in state; acceptance by member of legislature or public officer, except railroad commissioner, forfeits office. (Cal. XII 19.)

Forbidden to members of legislature, board of equalization, or state, county or municipal officers. (Mo. XII 24.)

Forbidden to members of legislature or state, district, county or municipal officers, except railroad commissioner. (Miss. VII 188.)

Free transportation must be furnished within state to members of commission and its officers. (Va. XII 155.)

Not forbidden by constitution in serving state or local governments, charities, fairs, or destitute or indigent persons. (La. 286.)

Other than as given public generally, forbidden to member of legislature or person holding any public office within state; legislature to pass laws thereon. (Wash. II 39, XII 20.)

Other than as given public generally, forbidden to member of legislature or state, county, district or municipal officer; members and officers of corporation commission excepted; penalties on company to be prescribed; on recipient, forfeiture of office and other penalties to be prescribed; street railroads excepted as to policemen and firemen. (Va. XII 161.)

Other than as given public generally, forbidden to member of legislature or any salaried officer of state; suitable penalties to be provided. (Fla. XVI 31.)

Other than as given public generally, forbidden to member of legislature or officer exercising judicial functions; *bona fide* employees who are members of legislature excepted. (Ala. XII 244.)

Passes forbidden except to employees and their families and numerous named classes of persons, such as those engaged in religious and charitable work, destitute persons, ex-soldiers, caretakers of shipments, inspectors, etc., and in cases of "calamitous visitation"; violation of section a crime and legislature to provide penalties. (Okla. IX 13.)

Passes to any officer of state, legislative, executive or judicial, to be prohibited by legislature. (Ark. XVII 7.)

Passes to ministers, hospital inmates, or to railroad officers, employees, stockholders and directors, not prohibited by constitution. (La. 287.)

Special rates not forbidden by constitution for exigencies; in mileage and commutation tickets; for public objects; in state or United States service. (Okla. IX 30; Va. XII 160.)

Special rates permitted for exigencies; in mileage, excursion and commutation tickets; for public or charitable objects; in state or United States service. (N.M. XI 10.)

PRIVATE ACTIONS OR PROCEEDINGS

No question of reasonableness, justness or validity of commission's order, made within its authority and then in force, to be raised directly or collaterally. (Okla. IX 24.)

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TRANSPORTATION COMPANIES (*Cont'd*)

PRIVATE ACTIONS OR PROCEEDINGS (*Cont'd*)

Private cases involving commission's order not to be heard, on objection, pending suspension of order by supreme court or by law. (Okla. IX 24.)

Private rights of action not affected by penalties imposed by commission on company. (Okla. IX 24.)

PROPERTY

Rolling stock and other movable property is personal property; all real and personal property liable to execution and sale and may not be exempted therefrom. (Okla. IX 7.)

RATES

Discrimination, *See above, this title,* DISCRIMINATION.

"Long and short haul" provisions, *See above, this title,* "LONG AND SHORT HAUL" PROVISIONS.

Passes or reduced rates, *See above, this title,* PASSES OR REDUCED RATES.

Regulation by legislature or commission, *See below, this title,* REGULATION.

Shall be construed to mean rate of charge for any service rendered or to be rendered and includes joint rates, and "charge" includes joint charges. (Okla. IX 34; Va. XII 153.)

REGULATION

Appeals to courts, *See above, this title,* APPEALS TO COURTS.

Under general supervision of secretary of internal affairs. (Pa. XVII 11.)

Books and records may be inspected and special reports, under oath, may be required, by corporation commission. (N.M. XI 11.)

Books and records open to, complaints may be heard by, and system of accounts may be prescribed by, railroad commission. (Cal. XII 22.)

Corporation commission to keep itself informed of interstate rates and institute cases before federal authorities where rate unreasonable, etc., or discriminates against citizens of state. (N.M. XI 9; Okla. IX 32.)

Legislature to prevent abuses, discrimination and extortion in charges; supervise and regulate, by commission or otherwise, and provide penalties to extent of forfeiture of franchise. (S.C. IX 13.)

No order of commission shall be retroactive. (Okla. IX 23; Va. XII 156g.)

Railroad commission not prohibited from ordering reparation made shippers, if no discrimination results. (Cal. XII 21.)

Rates, classifications, rules, etc., inconsistent with those prescribed by corporation commission are unlawful and void. (Okla. IX 18; Va. XII 156b.)

Rates, facilities, equipment, safety appliances, etc., controlled by state corporation commission. (N.M. XI 7.)

Rates may be established by railroad commission; no other rates to be charged. (Cal. XII 22.)

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TRANSPORTATION COMPANIES (*Cont'd*)

REGULATION (*Cont'd*)

Rates or charges may be raised only upon showing before railroad commission, whose decision is reviewable only on question of confiscation. (Cal. XII 20.)

Legislature may enact laws regulating and controlling rates of charges for transportation of passengers, intelligence and freight, as common carriers, from one point to another in state. (N.D. VII 142.)

Supervision and control in all matters relating to public duties, rates, abuses, facilities, inspection, etc., vested in state corporation commission. (Okla. IX 18; Va. XII 156b.)

Term "regulation" includes joint regulations. (Okla. IX 34; Va. XII 153.)

REPEAL OF CONSTITUTIONAL PROVISIONS BY LEGISLATURE

After a designated date, legislature given power to repeal certain provisions of constitution relating to certain classes of public service corporations, their rates, facilities, etc. (Okla. IX 35.)

After a designated date, legislature given power to repeal certain provisions of constitution relating to corporation commission, its powers and duties and procedure on appeal therefrom. (Okla. IX 35; Va. XII 156 (1).)

REPORTS

Special, in addition to annual, reports may be required by secretary of internal affairs. (Pa. XVII 11.)

Special reports, under oath, may be required by state corporation commission. (N.M. XI 11.)

SAFETY APPLIANCES

May be required by corporation commission where necessary or where required by federal law; right to remove question to supreme court provided for. (N.M. XI 7.)

STOCK

Fictitious increase of stock or indebtedness shall be void. (Miss. VII 196.)

To be issued only for money, labor done (or in good faith agreed to be done) or money or property actually received. (Miss. VII 196.)

TREASON

As qualification for office, See PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS.

As disqualification to vote, See ELECTIONS — QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Attainder by legislature, See ATTAINDER.

Bail in cases of, See BAIL.

DEFINITION

Shall consist only in levying war on state, adhering to enemies, or giving them aid and comfort. (Ala. I 18; Ariz. II 28; Ark. II 14; Cal. I 20; Colo. II 9; Conn. IX 4; Del. VI 3; Fla. D.R. 23; Ga. I Sec. II 2; Ida. V 5; Ind. I 28; Iowa I 16; Kan. B.R. 13; Ky. 229; La. 163; Me. I 12; Mich. II 21; Minn. I 9; Miss. III 10; Mont.

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TREASON (*Cont'd*)

DEFINITION (*Cont'd*)

III 9; Mo. II 13; Nebr. I 14; Nev. I 19; N.J. I 14; N.M. II 16; N.C. IV 5; N.D. I 19; Okla. II 16; Ore. I 24; S.C. I 22; S.D. VI 25; Tex. I 22; Utah I 19; Wash. I 27; W.Va. II 6; Wis. I 10; Wyo. I 26.)

EVIDENCE NECESSARY TO CONVICT

Testimony of two witnesses to same overt act or confession of act in open court. (Ala. I 13; Ariz. II 28; Ark. II 14; Cal. I 20; Colo. II 9; Conn. IX 4; Del. VI 3; Fla. D.R. 23; Ga. I Sec. II 2; Ida. V 5; Ind. I 29; Iowa I 16; Kan. B.R. 13; Ky. 229; La. 163; Me. I 12; Mich. II 21; Minn. I 9; Miss. III 10; Mo. II 13; Mont. III 9; Nebr. I 14; Nev. I 19; N.J. I 14; N.M. II 16; N.C. IV 5; N.D. I 19; Okla. II 16; Ore. I 24; S.C. I 22; S.D. VI 25; Tex. I 22; Wash. I 27; W.Va. II 6; Wis. I 10; Wyo. I 26.)

No person to be convicted of unless on testimony of two witnesses to same overt act. (Utah I 19.)

PARDONS, REPRIEVES, AND COMMUTATION OF SENTENCE

In cases of treason governor may grant reprieves until after end of next session of legislature. (Vt. II 20.)

In cases of treason, governor may grant reprieves, with consent of senate, and may respite sentence until end of next session of legislature. (Miss. V 124.)

In case of treason, governor may grant reprieves until end of next session of legislature, in which body power of pardon is vested. (Ky. 77; La. 70.)

In case of treason, governor with advice and consent of senate, may grant pardons, and to this end may respite sentence until close of succeeding session of legislature. (Tex. IV 11.)

In case of treason, governor, with advice and consent of senate, may grant reprieves and pardons and in recess of senate, may respite sentence until adjournment of next regular session of legislature. (Ark. VI 18.)

On conviction for treason, governor may suspend execution of sentence until case reported to legislature at next meeting, when legislature shall either pardon, direct execution of sentence, or grant further reprieve. (Cal. VII 1.)

On conviction for treason, governor may suspend execution of sentence until case reported to legislature at next meeting, when legislature shall either pardon, commute sentence, direct its execution or grant further reprieve. (Ga. V Sec. I 12; Ind. V 17; Iowa IV 16; Mich. VI 9; Nebr. V 13; N. Y. IV 5; Ohio III 11; Ore. V 14; Wis. V 6.)

Same; "next regular session" instead of "next meeting". (Ida. IV 7; N.D. III 76; S.D. IV 5; Wyo. IV 5.)

Same; "next regular session" instead of "next meeting"; omits "or grant further reprieve". (Utah VII 12.)

On conviction for treason, governor may suspend execution of sentence until case reported to legislature at next meeting when legislature shall either pardon, direct execution of sentence or grant further reprieve and if legislature fails to make final disposition of case,

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TREASON (*Cont'd*)

PARDONS, REPRIEVES, AND COMMUTATION OF SENTENCE (*Cont'd*)

sentence to be enforced at time and place directed by governor. (Fla. IV 11; Nev. V 13.)

Cases of treason excepted from power of governor to grant reprieves and pardons. (Ariz. V 5; Colo. IV 7; Mo. V 8; N.M. V 6.)

Cases of treason excepted from power of governor or board of pardons to grant commutation of sentence. (Ariz. V 5; Ark. VI 18; Colo. IV 7; La. 70; Mo. V 8; Tex. IV 11.)

Cases of treason excepted from power of governor or board of pardons to remit fines, penalties and forfeitures. (Ark. VI 18; Fla. IV 12; Ga. V Sec. I 12; Ida. IV 7; La. 70; Miss. V 124; Nev. V 14; N.D. III 76; S.D. IV 5; Utah VII 12; Vt. II 20; Wyo. IV 5.)

Cases of treason excepted from governor's power to remove disabilities imposed by law. (Ga. V Sec. I 12.)

PUNISHMENT

Conviction of treason not to work corruption of blood or forfeiture of estate. (Conn. IX 4; Fla. D.R. 23; Ida. V 5; N.C. IV 5.)

To be punished according to character of acts committed, by infliction of one or more of the penalties of death, imprisonment or fine, as prescribed by law. (W.Va. II 6.)

TREASURER

Under this heading are digested those provisions which specifically refer to this officer. For provisions relating to all officers and hence to this one, See the title PUBLIC OFFICERS.

ACCOUNTS

Keeping

To keep separate account of each fund in hands. (Colo. X 12; Mont. XII 13.)

To keep separate accounts of funds, and number and amount of warrants received and from whom. (Mo. X 16.)

Uniform system of bookkeeping for use of all treasurers to be prescribed by state examiner. (Okla. VI 19.)

Reports

On matters pertaining to office if required by governor or legislature. (Ala. V 137.)

Legislature to provide concerning annual or biennial reports. (Me. Amend. 23.)

To compile and have published report on or before December 31st for preceding fiscal year. (Miss. IV 115.)

Every year at time fixed by legislature to make report to governor showing receipts and disbursements of every character, claims audited and paid out by items, and taxes and revenues collected and paid into treasury and sources thereof. (Ala. V 137.)

Accounts rendered quarterly to comptroller, and copies of accounts rendered and settled to be submitted to both houses of legislature on third day of each regular session. (Md. VI 4.)

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TREASURER (*Cont'd*)
ACCOUNTS (*Cont'd*)
Reports (*Cont'd*)
To make to governor quarterly reports of financial condition of state, including statement of assets, liabilities and income, and expenditures "therefor" for the three months preceding. (Ga. VII Sec. XV 1.)
At end of each quarter of fiscal year to report to governor in writing under oath amount of moneys in hands to credit of each fund, place where kept or deposited, and number and amount of every warrant paid or redeemed during quarter. (Mont. XII 13.)
At end of each quarter of fiscal year to report to governor in writing under oath amount of moneys in hands to credit of each fund, place where kept or deposited, number and amount of every warrant received, and number and amount of every warrant paid during quarter; false swearing to report to be perjury. (Colo. X 12.)
Publication
Governor to publish treasurer's quarterly reports in one newspaper at seat of government, and otherwise as legislature may require. (Colo. X 12.)
To publish monthly in such newspapers as governor may direct, an abstract of accounts showing amount of cash on hand and place or places of deposit. (Md. VI 4.)
Detailed statement of moneys drawn from treasury during preceding year, for what purposes, to whom paid, and by what law authorized, and of all moneys received and by what authority and from whom, to be published in at least one newspaper at seat of government during first week of January and in next volume of acts of legislature. (Minn. IX 11.)
Within 10 days after January 1st and July 1st of each year to publish statement under oath in newspaper at seat of government, showing condition of treasury, balance on hand and in what funds, together with a certificate of governor that he has verified count of funds in treasury. (Miss. V 137.)
To publish quarterly statement, in manner designated by governor, showing amount of state moneys and where kept or deposited. (Mo. X 16.)
Governor, or other person authorized by law, to verify treasurer's quarterly report and publish it in one newspaper at seat of government, and otherwise as legislature may require. (Mont. XII 13.)
Audit and Examination, *See* STATE FINANCES.
APPOINTMENT BY LEGISLATURE, *See below, this title*, ELECTION.
ASSISTANTS
Appropriations for clerical and other expenses to specify each item and not to exceed in any one year $3,600. (La. 82.)
No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)
Clerical expenses not to exceed $1,600 a year. (Ga. V Sec. II 2.)

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TREASURER (*Cont'd*)

BOND

To be prescribed by law. (Md. VI 1.)

Sureties to satisfaction of legislature. (Me. V Pt. IV 2.)

To give bond and security under regulations prescribed by law for faithful discharge of duties. (Ga. V Sec. II 6.)

Sufficient security given secretary of state, in behalf of state, before governor or justice of highest court. (Vt. II 25.)

May be required by governor to give reasonable additional security; in default of so doing, office to be deemed vacant. (Ill. V 2.)

Of not less than double amount of money that may come into hands, and not less than $50,000; sureties, and approved "thereof", and increase of penalties, as may be prescribed by law. (Nebr. V 25.)

Treasurer and sureties in all cases responsible for keeping and management of public funds in hands of treasurer notwithstanding regulations by legislature therefor. (Colo. X 12; Mont. XII 13.)

COMPENSATION

Salary

As to whether salary fixed may be changed by law, See below, this subdivision, INCREASE OR DECREASE.

Fixed by law. (Ala. V 118; Colo. IV 19; Ill. V 23; Kan. I 15; Minn. V 5; Miss. V 134; Mo. V 24; N.Y. V 1; N.C. III 15; Ohio III 19; Okla. VI 34; S.C. IV 24; W.Va. VII 19; Wis. VI 3.)

Fixed at $800. (Ore. XIII 1.)

Fixed at $1,000. (Ida. IV 19; Utah VII 20.)

Fixed at $1,800. (S.D. XXI 2.)

Fixed at $2,000. (Fla. IV 29; N.D. III 84; Wash. III 19; Wyo. IV 13.)

Not to exceed $2,000. (Ga. V Sec. II 2.)

Fixed at $2,500. (Ark. Sched. 28; Md. VI 1; Mich. VI 21; Nebr. V 24.)

Fixed at $2,500 "and no more". (Tex. IV 23.)

Fixed at $3,000. (Ariz. V 13; Mont. VII 4; N.M. V 12; Okla. Sched. 15.)

Fixed at $4,000. (La. 81.)

Fixed at $5,000. (Cal. V 19.)

Acting as governor, same as governor. (Ala. V 129.)

Increase or Decrease

In General

Allowed. (Ariz. V 13; Ida. IV 19; Mont. VII 4; N.D. III 84; Okla. Sched. 15; Utah VII 20; Wyo. IV 13.)

Allowed after eight years from adoption of constitution. (Fla. IV 29.)

Allowed after 10 years from date of admission as state. (N.M. V 12.)

Allowed, but total not to exceed $3,000. (Ark. XIX 11.)

Increase allowed, but total not to exceed $4,000. (Wash. III 19.)

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TREASURER (*Cont'd*)
COMPENSATION (*Cont'd*)
Increase or Decrease (*Cont'd*)
In General (*Cont'd*)
Salary not to exceed $2,000. (Ga. V Sec. II 2.)
Increase prohibited. (Mich. VI 21; S.D. XXI 2; Tex. IV 23.)
May be diminished, but not increased. (Cal. V 19.)
During Term
Increase during term of office prohibited. (Mont. VII 4.)
Prohibited during official term. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; W.Va. VII 19.)
Prohibited during period for which elected. (Ala. V 118; Cal. V 19; Kan. I 15; N.Y. V 1; N.C. III 15; N.D. III 84; Ohio III 19; Okla. VI 34; S.C. IV 24; Wyo. IV 13.)
Prohibited to extent that it affects salary during term. (Ida. IV 19, V 27.)
Prohibited to extent that it affects salary during term, unless vacancy occurs, in which case successor to receive only salary provided by law at time of election or appointment. (Utah VII 20.)
Compensation Other Than Salary
Emolument or allowance other than salary, prohibited. (N.C. III 15.)
Salary to be in full payment for all services rendered. (N.M. V 12.)
Salary to be in full for all services rendered in official capacity or employment during term of office. (Cal. V 19; Ida. IV 19; Mont. VII 4; Utah VII 20.)
Compensation limited to salary. (Ala. V 137; Ark. XIX 11; Ill. V 23; Ky. 96; La. 81; Mo. V 24; Nebr. V 24; N.M. V 12; N.Y. V 1; Okla. VI 34; W.Va. VII 19.)
Compensation limited to salary, except necessary expenses when absent from seat of government on business of state. (Ga. V Sec. II 7.)
Not to receive additional compensation beyond salary for services rendered state in connection with internal improvement fund or other interests belonging to state. (Fla. IV 29.)
Fees for performance of duties not to be received. (Ida. IV 19; Mont. VII 4; N.M. V 12; Utah VII 20.)
Fees or perquisites for performance of duties not to be received. (Ala. V 137; Ark. XIX 11; Cal. V 19; Ill. V 23; La. 81; Md. VI 1; Mich. VI 21; Mo. V 24; Nebr. V 24; N.Y. V 1; Okla. VI 34; Ore. XIII 1; S.D. XXI 2; Tex. IV 23; W.Va. VII 19.)
Fees or perquisites for performance of duty connected with office or for performance of additional duty imposed by law not be received. (Nev. XVII 5.)
Fees or perquisites not to be received, except necessary expenses when absent from seat of government on business of state. (Ga. V Sec. II 7.)

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TREASURER (*Cont'd*)

COMPENSATION (*Cont'd*)

Compensation Other Than Salary (*Cont'd*)

Costs not to be received. (Ala. V 137; Ark. XIX 11; Ill. V 23; Mo. V 24; Nebr. V 24; Okla. VI 34; Tex. IV 23; W.Va. VII 19.)

Commissions not to be received. (Md. VI 1.)

Interest on public moneys in hands or under control, not to be received to own use. (Nebr. V 24.)

Fee, interest or reward from any person, bank or corporation for deposit or use of public funds, not to be allowed directly or indirectly; legislature to enforce by suitable penalties. (Ga. V Sec. II 5.)

Payment into treasury, *See below, this title,* FEES.

Expenses

Legislature may provide for actual and necessary expenses while traveling in state in performance of official duty. (Utah VII 20.)

Necessary expenses when absent from seat of government on business of state. (Ga. V Sec. II 7.)

No salary for clerical service to exceed $1,800 for each clerk. (Cal. V 19.)

Clerical expenses not to exceed $1,600 a year. (Ga. V Sec. II 2.)

Appropriations for clerical and other expenses to specify each item and not to exceed in any one year $3,600. (La. 82.)

Payment

Monthly. (La. 81.)

Quarterly. (Ida. IV 19; Mont. VII 4; Nev. XVII 5; N.M. V 12; Utah VII 20.)

DUAL OFFICE HOLDING, *See below, this title,* QUALIFICATIONS AND DISQUALIFICATIONS.

ELECTION

Under this subhead are digested those provisions which specifically refer to this officer; for provisions relating to elections in general, See the title "ELECTIONS"; *for provisions allowing the legislature to establish offices and provide for their election or appointment, See the title* "PUBLIC OFFICERS".

Electors

Qualified electors of state. (Ala. V 114; Ark. VI 13; Colo. IV 3; Del. III 21; Ida. IV 2; Ind. VI 1; Iowa IV 22; Kan I 1; Ky. 91; La. 79; Minn. V 1; Mont. VII 2; N.C. III 1; N.D. III 82; Ohio III 1; Ore. VI 1; Pa. IV 21; S.C. IV 24; S.D. IV 12; Tex. IV 2; Utah VII 2; Va. V 81; Wis. VI 1; Wyo. IV 11.)

Same as for governor. (Cal. V 17; Mass. Amend. 17; Miss. V 134, 143; Nev. V 19.)

Same as for members of legislature. (Ga. V Sec. II 1.)

Two houses of legislature on joint ballot. (Me. V Pt. IV 1; Md. VI 1; N.H. II 66; N.J. VII Sec. II 3.)

Treasurer or treasurers appointed by joint vote of both houses of legislature. (Tenn. VII 3.)

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TREASURER (*Cont'd*)
ELECTION (*Cont'd*)
Time and Places
As prescribed by law. (W.Va. VII 2.)
Same as for governor. (Cal. V 17; Fla. IV 20; Ga. V Sec. II 1; Mass. Amend. 17; Miss. V 134, 143; N.Y. V 1, 2; Nev. V 19; Va. V 81.)
Same as for governor, on first Tuesday after first Monday in November, 1895, and every four years thereafter. (Ky. 91, 95.)
Same as for members of legislature. (Ala. V 114; Ark. VI 3; Ida. IV 2; Kan. I 1; Mont. VII 2; N.C. III 1; N.D. III 82; Ore. VI 1; S.D. IV 12; Tex. IV 2; Utah VII 2; Wis. VI 1; Wyo. IV 11.)
Same as for members of lower house. (La. 79.)
At each regular session of legislature. (Md. VI 1.)
Biennially at first session of legislature. (Me. V Pt. IV 1.)
At general election. (Colo. IV 3; Del. III 21; Mich. VI 1; N.Y. V 1, 2; Pa. IV 21.)
At general election in 1876 and every four years thereafter. (Mo. V 2.)
Tuesday after first Monday in November, at places for voting for members of legislature. (Ohio III 1.)
Biennially on first Tuesday after first Monday of November. (Vt. II 35.)
Tuesday after first Monday of November, 1870, and every two years thereafter at such places and in such manner as may be prescribed by law. (Ill. V 3.)
Tuesday after first Monday in November, 1876, and biennially thereafter. (Nebr. V 1.)
Tuesday after first Monday of November, 1886, and biennially thereafter. (Conn. Amend. XXVII 1.)
At town, ward and district meetings on Tuesday after first Monday in November, 1912, and biennially. (R.I. Amend. XVI.)
Returns and Canvass
Contested elections, *See below, this subdivision*, CONTESTED ELECTIONS.
Election in case of tie vote, *See below, this subdivision*, TIE VOTE.
Returns made in manner prescribed by law. (Ida. IV 2; Mont. VII 2.)
Same as for governor. (Cal. V 17; Ga. V Sec. II 1; Mass. Amend. 17; Miss. V 134, 143; Nev. V 19.)
Fact of election ascertained in same manner as for governor. (Va. V 81.)
Votes to be returned, counted, canvassed and declared in same manner as for governor, but votes canvassed by secretary and comptroller only. (Conn. IV 17.)
Majority vote necessary to choice. (Ga. V Sec. I 5, Sec. II 1; Vt. II 39.)
Majority of electoral votes and also majority of popular vote, necessary to choice. (Miss. V 134, 140, 143.)

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TREASURER (*Cont'd*)

ELECTION (*Cont'd*)

Returns and Canvass (*Cont'd*)

Specific provisions appear in constitution, but since same as for election of governor, are not repeated here. *See* GOVERNOR — ELECTION. (Ala. V 115; Ark. VI 3; Colo. IV 3; Ill. V 4; Kan. I 2; Minn. V 2; Mo. V 3; Nebr. V 4; N.C. III 3; Ohio III 3, 4; Tex. IV 3; Vt. II 39; Wash. III 4; W.Va. VII 3.)

Failure to Elect

Legislature, on organization, to meet in joint convention and elect, by majority vote, person to fill office, who shall serve for full term and until successor elected and qualified. (R.I. Amend. XI 3, 7.)

Failure to receive highest number of votes, *See below, this subdivision*, TIE VOTE.

Contested Elections

Procedure in case of tie vote, *See below, this subdivision*, TIE VOTE.

Determined as prescribed by law. (Ida. IV 2; Mo. V 25; Mont. VII 2.)

Determined by both houses of legislature in joint session. (Tex. IV 3.)

Determined by legislature in manner prescribed by law. (Ala. V 115; Ga. V Sec. I 6, Sec. II 1; Wash. III 4.)

Determined by both houses of legislature by joint ballot in manner prescribed by law. (Colo. IV 3; Ill. V 4; Nebr. V 4; N.C. III 3.)

Determined by members of both houses in joint session at first session of legislature after election in which contest arises. (Ark. VI 4.)

Contests concerning vote of county or district to be decided by majority of whole number of members of lower house by a *viva voce* vote recorded in journal. (Miss. V 134, 140.)

Tie Vote

If no person has majority of votes, legislature by joint vote to elect one of three candidates having highest number of votes. (Vt. II 39.)

Legislature at next regular session to elect forthwith by joint vote one of persons in tie. (Ariz. V 1; Ida. IV 2; Mont. VII 2; Utah VII 2.)

Legislature by joint vote to elect one of persons in tie. (Cal. V 4, 17; Colo. IV 3; Ill. V 4; Kan. I 2; Mo. V 3; Nebr. V 4; Nev. V 4, 19; N.C. III 3; Ohio III 3; Wash. III 4; W.Va. VII 3.)

Legislature by joint vote to elect one of persons in tie; majority vote necessary to choice. (R.I. Amend. XI 3, 7.)

Legislature by joint vote to elect one of persons in tie; majority of members elected necessary to choice. (Ark. VI 3.)

Legislature by joint vote without delay to elect one of persons in tie. (Ark. V 115; Tex. IV 3.)

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TREASURER (*Cont'd*)
ELECTION (*Cont'd*)
Tie Vote (*Cont'd*)
Legislature on second day of session by joint vote to elect without debate one of persons in tie. (Conn. Amend. XXX.)
If failure to elect, or if person elected dies, legislature on or before third Wednesday in January thereafter, to choose by joint ballot, one of persons in tie. (Mass. Amend. 17.)
If no person has majority, legislature immediately to elect one of two persons having highest vote; election by *viva voce* vote, and majority of members present necessary to choice. (Ga. V Sec. I 5, Sec. II 1.)
If no person receives majority of electoral votes and also majority of popular vote, lower house elects one of two persons having highest number of popular votes. Election by *viva voce* vote recorded in journal. (Miss. V 134, 141.)
Election to Fill Vacancy, *See below, this title,* VACANCY IN OFFICE.
EXPENSES, *See above, this title,* COMPENSATION.
FEES
As to whether fees may be received, See above, this title, COMPENSATION — COMPENSATION OTHER THAN SALARY.
Fees and profits to be covered into treasury. (N.D. III 84; Wyo. IV 13.)
Fees payable by law to be paid in advance into treasury. (Ark. XIX 11; Colo. IV 19; Ill. V 23; Mo. V 24; Nebr. V 24; W.Va. VII 19.)
Fees payable by law to be collected in advance and deposited with treasurer quarterly to credit of state. (Ida. IV 19; Mont. VII 4; Utah VII 20.)
Fees payable by law to be paid at once into treasury. (Ala. V 137.)
Fees payable by law to be paid when received into treasury. (Tex. IV 23.)
Fees collected to be covered into treasury. (Ky. 93.)
IMPEACHMENT
See also IMPEACHMENT.
May be impeached. (Tex. XV 2.)
For misdemeanor in office. (Cal. IV 18.)
For corrupt conduct in office or for crimes and misdemeanors. (Minn. XIII 1.)
For wilful neglect of duty, corruption in office, incompetency, intemperance in use of liquors or narcotics, or offense involving moral turpitude in office. (Ala. VII 173.)
For crime in official capacity which may require disqualification. (Tenn. V 4.)
For high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office. (Mo. VII 1.)
For "high crimes and misdemeanors, for non-feasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness". (La. 217.)

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TREASURER (*Cont'd*)

OATH OF OFFICE

As prescribed by law. (Md. VI 1.)

Administered by governor or justice of highest court. (R.I. IX 5.)

Form prescribed, affirmation allowed. (Minn. V 8.)

OFFICE AND PUBLIC RECORDS

Office to be kept at seat of government. (Ariz. V 1; Ark. VI 1; Kan. Sched. 6; Md. VI 1; Mich. VI 1; Nev. XV 12; N.D. III 82; Okla. VI 1; S.D. IV 12; Wyo. IV 11.)

Office to be kept at seat of government, but in case of invasion or violent epidemics, governor may direct office to be removed temporarily to other place. (Fla. XVI 10.)

Public records to be kept at seat of government. (Ariz. V I; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Mo. V 1; Mont. VII 1; Nebr. V 1; N.M. V 1; Okla. VI 1; Ore. VI 5; Utah VII 1; Wash. III 24; W.Va. VII 1.)

Seal of office to be kept at seat of government. (N.M. V 1.)

POWERS AND DUTIES

As prescribed by law. (Ala. V 137; Ark. VI 22; Ill. V 1; Ind. VI 1; Iowa IV 22; Ky. 91, 93; Md. VI 4; Mich. VI 1; Minn. V 5; Mo. V 1; Nebr. V 1; Nev. V 22; N.Y. V 6; N.C. III 13; N.D. III 83; Ore. VI 4; R.I. VII 12; S.C. IV 24; S.D. IV 13; Tex. IV 23; Utah VII 17; Va. V 81; Wash. III 17; W.Va. VII 1; Wis. VI 3; Wyo. IV 12.)

As prescribed by constitution or by law. (Ariz. V 1, 9; Ida. IV 1; Mont. VII 1; Okla. VI 1; Utah VII 1.)

Succession to governorship, *See* GOVERNOR.

Fee, interest or reward from any person, bank or corporation for deposit or use of public funds, not to be allowed directly or indirectly. Legislature to enforce by suitable penalties. (Ga. V Sec. II 5.)

QUALIFICATIONS AND DISQUALIFICATIONS

Age

Twenty-five years. (Ariz. V 2; Colo. IV 4; Miss. V 134, 133; Mo. V 19; N.D. III 82; Wyo. IV 11.)

Twenty-five years at time of election. (Ala. V 132; Ga. V Sec. II 6.)

Twenty-five years (at time of election(?)). (Ida. IV 3; Mont. VII 3.)

Thirty years. (N.M. V 3; Okla. VI 3.)

Thirty years at time of election. (Ky. 91; Utah VII 3.)

Citizenship

In United States. (Colo. IV 4; Ida. IV 3; Mo. V 19; Mont. VII 3; N.M. V 3; N.D. III 82; Okla. VI 3; Wyo. IV 11.)

In United States for seven years (preceding election(?)). (Ala. V 132.)

In United States for 10 years preceding election. (Ariz. V 2.)

In United States for 10 years (preceding election(?)). (Ga. V Sec. II 6.)

In state for two years before election. (Ky. 91.)

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TREASURER (*Cont'd*)
QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)
Citizenship (*Cont'd*)
In state for five years preceding election. (Ariz. V 2; Miss. V 134, 133; Utah VII 3.)
In state for six years preceding election. (Ga. V Sec. II 6.)
Dual Office Holding
Ineligible to legislature. (Ark. V 7; Conn. X 4; Me. IX 2; Vt. II 50.)
Ineligible to legislature, but acceptance of office to operate as resignation of seat in legislature. (Mass. Pt. II Ch. VI 2.)
Ineligible to legislature during continuance in office, and election to legislature and qualification to vacate his office. (Va. IV 44.)
Ineligible as governor, member of legislature or councillor; but election to office and acceptance to operate as resignation of seat in chair, legislature or council, and vacancy to be filled. (N.H. II 94.)
Ineligible to other office during term of service. (W.Va. VII 4.)
Ineligible to other office during term of office, except member of state board of education. (Mont. VII 4.)
Ineligible to other state office during period for which elected. (Nebr. V 2.)
Ineligible to other office or commission, civil or military, in state or under other state or United States or any power. (Ark. VI 22.)
Ineligible to office of secretary of state, attorney-general, insurance commissioner, auditor, prothonotary, clerk of the peace, register of wills, recorder, sheriff or coroner. (Del. III 11.)
Ineligible to office of justice of highest court or of inferior court, county attorney, attorney-general, adjutant-general, judge of probate, register of probate, register of deeds, sheriff or deputy, clerk of judicial court. (Me. IX 2.)
Ineligible to office of governor, justice of highest court, lieutenant-governor, member of legislature, surveyor-general or sheriff. (Vt. II 50.)
Election to and acceptance of seat in Congress vacates office. (Mass. Amend. 8; Me. IX 2.)
Electoral
Must be qualified elector at time of election. (Utah VII 3.)
Must have been qualified elector of state for three years preceding election. (Okla. VI 3.)
Must have qualifications of state electors. (N.D. III 82; Wyo. IV 11.)
Any elector eligible. (Nev. V 19.)
Engaging in Business
Shall not, during continuance in office, engage in business of trade or commerce, or as broker, or as agent or factor for merchant or trader. (Me. V Pt. IV 3.)

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TREASURER (*Cont'd*)

QUALIFICATIONS AND DISQUALIFICATIONS (*Cont'd*)

Prior Service in Office as Disqualification

Ineligible as own successor. (Ala. V 116; Colo. IV 21; La. 80; Mo. V 2; Mont. VII 1; Okla. VI 4; Pa. IV 21; Utah VII 3; Wash. III 25.)

Ineligible to immediately succeed himself or auditor. (Miss. V 134.)

Ineligible to office for more than two consecutive terms. (N.D. III 32; S.D. IV 12.)

Ineligible for re-election for two years after expiration of term for which elected. (Ariz. V 10; Ill. V 2.)

Ineligible for two years after expiration of two consecutive terms for which elected. (Nebr. V 3.)

Ineligible to re-election for four years after term for which elected. (Ky. 93; Wyo. IV 11.)

Ineligible more than four in any period of six years. (Ind. VI 1.)

Ineligible more than eight in any period of 12 years. (Ore. VI 1.)

Ineligible more than five years successively. (Mass. Pt. II Ch. II Sec. IV 1.)

Ineligible more than six years successively. (Me. Amend. 27.)

Ineligible to state office for two years after expiration of two consecutive terms. (N.M. V 1 (1914).)

Prior Service in Other Office as Disqualification

Person serving immediately preceding term as auditor ineligible to office of treasurer. (Miss. V 134.)

Residence

Residence during term, *See below, this title*, RESIDENCE.

In state for two years preceding election. (Colo. IV 4; Ida. IV 3; Ky. 91; Mont. VII 3.)

In state for five years preceding election. (Ala. V 132; Mo. V 19; Utah VII 3.)

In state for five years preceding election or appointment. (Mass. Amend. 17.)

Continuously in state for five years preceding election. (N.M. V 3.)

Two years' residence in state by person of good character coming to settle in state, who takes oath or affirmation of allegiance. (Vt. II 62.)

Sex

See also above, this subdivision, ELECTORAL.

Must be male. (Ariz. V 2; Mo. V 19; Okla. VI 3.)

REMOVAL

By governor on joint address of two-thirds of members elected to each house of legislature for good cause. (Ark. XV 3.)

If during recess of legislature charges are preferred to governor for incompetency, malfeasance in office, wilful neglect of duty or misappropriation of state funds, governor forthwith to notify him and

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TREASURER (*Cont'd*)

REMOVAL (*Cont'd*)

fix date for hearing of charges and if, on evidence taken under oath, allegations are sustained, governor to remove him and appoint successor to hold for unexpired term. (Md. VI 6.)

Legislature may provide for suspension, and appointment of person to discharge duties of office. (Ga. V Sec. I 18.)

Legislature may provide for temporary suspension by governor when deemed necessary by board of examiners for protection of state money. (Mont. VII 20.)

Duty of governor to suspend alleged defaulting treasurer pending investigation of accounts and to make temporary appointments to fill office during investigation. Legislature to provide for enforcement of this provision. (Miss. V 125.)

Governor may suspend during recess of legislature and until 30 days after session begins, for violation of duty. Governor appoints officer to act during suspension. (N.Y. V 7.)

Impeachment, *See above, this title,* IMPEACHMENT.

REPORTS, *See above, this title,* ACCOUNTS.

RESIDENCE

As qualification for office, *See above, this title,* QUALIFICATIONS.

At seat of government. (Ariz. V 1; Colo. IV 1; Ida. IV 1; Ill. V 1; Ind. VI 5; Mo. V 1; Mont. VII 1; Nebr. V 1; N.M. V 1; Tex. IV 23; Utah VII 1; Wash. III 24; W.Va. VII 1.)

At seat of government, except during epidemics. (Ala. V 118.)

RESPONSIBILITY OF

Legislature may provide by law for safe-keeping and management of public funds in hands of treasurer, but nevertheless he is to be responsible therefor. (Colo. X 12; Mont. XII 13.)

Ineligible to legislature until he has made final settlement of accounts and discharged balance due thereon. (Del. II 24.)

When money in hands deposited under direction of depository board and in accordance with law, treasurer not liable for loss on account of such deposit through damage by elements or other cause occasioned by loss other than his own neglect, fraud or dishonorable conduct. (Mont. XII 14.)

On bond, *See above, this title,* BOND.

ROTATION IN OFFICE, *See above, this title,* QUALIFICATIONS AND DISQUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

TERM OF OFFICE

Length

Same as for governor. (Cal. V 17; Fla. IV 20; Ga. V Sec. II 1; Nev. V 19; Va. V 81.)

One year. (Mass. Amend. 17.)

Two years. (Ariz. V 1; Ark. VI 1; Colo. IV 1; Conn. Amend. XXVII 2; Del. III 21; Ida. IV 1; Ill. V 2; Ind. VI 1; Iowa IV 22; Kan. I 1; Md. VI 1; Mich. VI 1; Minn. V 5; Nebr. V 1; N.M. V 1 (1914); N.Y. V 1, 2; N.D. III 82; Ohio III 2, XVII 2; R.I. Amend. XVI; S.C. IV 24; S.D. IV 12; Tenn. VII 3; Tex. IV 23; Vt. II 41; Wis. VI 1.)

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TREASURER (*Cont'd*)

TERM OF OFFICE (*Cont'd*)

Length (*Cont'd*)

Three years. (N.J. VII Sec. II 3.)

Four years. (Ala. V 116; Ky. 91; La. 79; Miss. V 134, 136; Mo. V 2; Mont. VII 1; Okla. VI 4; Ore. VI 1; Pa. IV 21; Utah VII 1; Wash. III 3; W.Va. VII 1; Wyo. IV 11.)

To serve until successor qualified (regardless of length of term specified). (Ala. V 116; Ark. VI 1; Conn. Amend. XXVII 2; Ill. V 2; Iowa IV 22; Kan. I 1; Ky. 91; Md. VI 1; Mass. Amend. 17; Minn. V 5; Miss. V 136; Mo. V 2; Mont. VII 1; Nebr. V 1; N.J. VII Sec. II 3; N.D. III 82; Ohio III 2; R.I. Amend. XVI; S.C. IV 24; Tex. IV 23; Wash. III 3; Wyo. IV 11.)

To serve until successor qualified, or to adjournment of session of legislature at which, by constitution and laws, successor is to be chosen. (Vt. II 41.)

Re-election to Same Office, *See above, this title*, QUALIFICATIONS — PRIOR SERVICE IN OFFICE AS DISQUALIFICATION.

Time of Beginning

Same as for governor. (Cal. V 17; Fla. IV 28; Ga. V Sec. II 1; Nev. V 19; Va. V 81.)

When chosen and qualified. (Vt. II 41.)

Within one month after appointment by legislature. (Md. VI 5.)

January 1st after election. (N.M. V 1; N.C. III 1.)

First Monday in January after election. (Ida. IV 1; Ky. 91; Mont. VII 1; Utah VII 1.)

First Tuesday in January after election. (R.I. Amend. XVI.)

Wednesday after first Monday of January after election. (Conn. Amend. XXVII 2.)

First Thursday [after] first Tuesday in January after election. (Nebr. V 1.)

Second Monday in January after election. (Ill. V 1 (?); Kan. I 1; Mo. V 2; Ohio III 2; Okla. VI 4.)

Second Monday in January after election until otherwise provided by law. (Wash. III 4.)

Second Tuesday in January after election. (Colo. IV 1.)

First Monday after second Tuesday in January after election. (Ala. V 116.)

Third Wednesday in January after election. (Mass. Amend. 17.)

March 4th after election. (W.Va. VII 1.)

VACANCY IN OFFICE

Filled by governor with advice and consent of senate. (La. 79.)

Filled by governor for unexpired term. (Ark. VI 22.)

Filled by governor until successor elected and qualified. (Ill. V 20; Mont. VII 7.)

Filled by governor with advice and consent of senate until successor elected and qualified. (Md. VI 1.)

Filled by governor until successor elected and qualified as provided by law. (Colo. IV 6; Ida. IV 6; Nebr. V 20; Utah VII 10; W.Va. VII 17.)

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TREASURER (*Cont'd*)

VACANCY IN OFFICE (*Cont'd*)

Filled by governor until next annual election and until successor qualified. (Minn. V 4.)

Filled by governor until disability removed or a successor elected and qualified; unsoundness of mind ascertained by highest court on suggestion of governor. (Ala. V 136.)

Filled by governor till disability removed or successor qualified; election at first general election more than 30 days after vacancy occurs, to fill for remainder of unexpired term. (N.C. III 13.)

Filled by legislature in joint convention if in session; if not, governor fills until successor elected by legislature and qualified. (R.I. Amend. XI 5.)

In case treasurer-elect dies, removes from state, refuses to serve, becomes insane, or otherwise incapacitated, or if failure to elect, legislature, upon its organization, to meet in joint convention and elect, by majority vote, person to fill the office. If election by legislature is because of the failure of candidate to receive plurality of votes election to be made from persons who receive same and largest number of votes. Person elected serves for remainder of term or full term, as case may be, and until successor qualified. (R.I. Amend. XI 3, 7.)

During session of legislature, filled by joint vote of legislature from people at large; if vacancy during recess, filled by governor with advice and consent of council. (Mass. Amend. 17.)

If during recess of senate, filled by governor; if during session of senate governor to make nomination before final adjournment; but vacancy to be filled by new election on next election day appropriate to office, unless vacancy happens within two months preceding such day in which case election held on second succeeding election day. (Pa. IV 8.)

In case of death, impeachment, resignation or other disability, filled by governor until disability removed or successor elected and qualified. Election to be held at first general election more than 30 days after vacancy occurs, and successor holds office for full term. (Ohio III 18.)

Caused by impeachment, displacement, resignation, death or incapacity for other reason to perform duties, filled by governor until disability removed and successor elected and qualified. Vacancy to be filled by election at first general election more than 30 days after happening, and person elected to hold office for unexpired term. (Kan. I 14.)

If failure to elect, or removal from office, death, resignation or inability to discharge duties, governor to fill until disability removed or new election made; if failure to elect by freemen, legislature by joint ballot to elect a treasurer from three candidates having highest vote. (Vt. II 24, 39.)

Failure to qualify deemed to create vacancy. (Mass. Amend. 17.)

TRIALS *See* COURTS.

TRIBUNALS OF CONCILIATION, *See* COURTS — ARBITRATION COURTS.

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TRUST COMPANIES

See also BANKS.

Constitutional provisions as to banks apply to trust companies. (Ala. XIII 255.)

General incorporation law or law regulating business requires two-thirds vote of each house for adoption, amendment or repeal. (Mich. XII 9.)

General incorporation law requires two-thirds vote of members of each house. (Mich. XII 9.)

General laws not to authorize issue of paper money. (Mich. XII 9.)

Legislature may not charter loan and trust companies by local or special laws. (Mont. V 26; N.M. IV 24; Wyo. III 27.)

Legislature to provide for examination by a public officer. (Ala. XIII 254.)

May take naked title to real estate as trustee to secure indebtedness. (Okla. XXII 2.)

Prohibited to own, hold or control stock in other trust company or bank, except if taken for debt; must dispose of same within 12 months. (Okla. IX 41.)

Records, books and files liable to "full visitorial and inquisitorial powers of the state". (Ariz. XIV 16.)

Regulation and control of loan and trust companies under banking department and bank commission, to protect stockholders and depositors. (Okla. XIV 1.)

Reports, at least twice yearly, to be made by president or other officer legislature may designate. (Ala. XIII 254.)

TRUSTS

Local or special law not to affect estates of beneficiaries or authorize them to sell, lease, encumber or dispose of property. (Ky. 59.)

For trusts and monopolies, See MONOPOLIES AND TRUSTS.

UNITED STATES

CITIZENS OF, *See* CITIZENSHIP.

CONGRESS, *See* CONGRESS OF UNITED STATES.

PROPERTY

Grants to States

See PUBLIC PROPERTY — TRUSTS.

See PUBLIC LANDS — TRUSTS.

Held for Government Purposes

Authority to exercise exclusive legislation granted to and acknowledged in United States over described military reservations, so long as they remain such, with same effect as if United States had purchased reservations with consent of legislature, legislature empowered and directed to pass necessary legislation; right to serve legal process, civil and criminal, reserved except in cases in exclusive jurisdiction of United States. (Mont. II 1.)

Jurisdiction by United States, consented to by state, over all tracts held or reserved by United States for forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, under article I section 8, paragraph 17; United States Con-

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UNITED STATES (*Cont'd*)
PROPERTY (*Cont'd*)
Held for Government Purposes (*Cont'd*)
stitution, provided that sufficient description and map and muniments of title be filed in county in which property is situated and that civil and criminal process of the state may be served therein. (Wash. XXV 1.)
Jurisdiction ceded to United States, over certain described military reservations; but legal process of state, civil and criminal to extend over such reservation in all cases in which exclusive jurisdiction not vested in United States, or of crimes not committed within reservations. (S.D. XXVI 18.)
Legislature to authorize the governor to lease or sell to United States public domain of state for military purposes, subject to approval of legislature. (Tex. XVI 34.)
Persons residing in lands ceded by Rhode Island to the United States not entitled to exercise privileges of electors. (R.I. II 5.)
Money Deposited with States, *See* STATE DEBT.
Right in Public Lands
Legislature never to interfere with primary disposal of soil by United States nor with any regulation by Congress to secure title to *bona fide* purchasers. (Minn. II 3; Mo. XIV 1; Wis. II 2.)
People inhabiting territory disclaim all right and title to unappropriated public lands, same to be and remain at sole and entire disposition of United States; this provision irrevocable except by consent of United States and people of state. (Nev. Ord. 3.)
People of state disclaim right and title in and to unappropriated public land; until title extinguished by United States to be subect to control, disposition and jurisdiction of United States. (Okla. I 3.)
Same, adding, "irrevocable without consent of United States and people of state". (Wash. XXVI 2.)
People disclaim all right and title to unappropriated public lands in state; until title extinguished by United States, to be and remain subject to disposition of United States; this provision irrevocable except by consent of United States and people of state. (Utah III 2; Wyo. Ord. 3.)
People of state disclaim all right and title to ungranted and unappropriated public lands; this provision irrevocable without consent of United States and people of state. (Ariz. XX 4; N.M. XXI 2.)
Taxation, *See* TAXATION — EXEMPTIONS — UNITED STATES, PROPERTY OF.
RELATIONS WITH STATES
For general theory of, *See* GOVERNMENT, THEORY OF — RELATION BETWEEN UNITED STATES AND STATE.
Supremacy of United States Constitution, *See* CONSTITUTION OF UNITED STATES.

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UNITED STATES (*Cont'd*)

RELATIONS WITH STATES (*Cont'd*)

In relation to levees, See LEVEES — GRANT TO UNITED STATES.

In regard to public lands, See PUBLIC LANDS — TRUSTS.

In relation to state property, See PUBLIC PROPERTY — TRUSTS.

In relation to United States property, See above, this title, PROPERTY.

In relation to Indians, See INDIANS.

Ordinance or article containing certain provisions irrevocable without consent of United States and people of state. (Iowa XXI 19; Nev. Ord.; N.D. XVI 203; Utah III; Wash. XXVI; Wyo. Ord.)

Same, but adds "expressed by their legislative assembly". (S.D. XXVI 18.)

Constitutional compact with United States may be amended by vote of majority electors voting on change proposed by legislature, by majority vote of each house, to extent allowed by act of Congress, consenting to charge. (N.M. XIX 4.)

Ordinance, containing certain provisions, made part of constitution of state, and "no future constitutional amendment shall be made which in any manner changes or abrogates" it without consent of Congress. (Ariz. XX.)

Constitutional compact in compliance with enabling act irrevocable without consent of United States and state, no change therein made without consent of Congress. (N.M. XXI 10.)

Ordinance adopted by constitutional convention among other provisions making substantially the terms of the enabling act substantially applicable to state substantially ratified and valid for all purposes. (Okla. Sched. 36.)

Enabling act accepted and jurisdiction of cases enumerated therein assumed by courts of state. (Okla. Sched. 28.)

Enabling acts accepted, ratified and confirmed, and to remain irrevocable without consent of United States. (Minn. II 3; Wis. II 2.)

Governor to conduct in person, or as prescribed by law, intercourse and business with United States. (Okla. VI 8; Tex. IV 10.)

Lands within Indian reservation, subject to United States laws prohibiting introduction of liquor into Indian country, for 25 years after disposal. (Ariz. XX 11; N.M. XXI 8.)

All rights and powers necessary to carry out act of Congress providing for irrigation of arid lands, reserved to United States with acquiescence of state, same as if state had remained a territory. (Ariz. XXI 10.)

People of state consent to reservation to United States of rights and powers necessary to carry out act of Congress providing for irrigation of arid lands. (N.M. XXI 7.)

Boundaries of state may be enlarged with consent of Congress and legislature. (Iowa XI 4.)

Congress may make North river boundary conform to act creating territory of Washington. (Ore. XVI 1.)

Rights of people under treaty of Guadalupe Hidalgo to be preserved inviolate. (N.M. II 5.)

Payments of war claims forbidden until such claims paid by United States to Missouri. (Mo. IV 52.)

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VAGRANCY, *See* CRIMES.

VENUE, *See* COURTS — TRIALS.

VERDICTS, *See* JURIES.

VILLAGES

Under this title are digested all provisions relating specifically to this class of municipalities. For provisions relating to municipalities generally, and hence to this class, See MUNICIPALITIES.

INCORPORATION AND ORGANIZATION

For provisions relating to initiative and referendum, See INITIATIVE AND REFERENDUM.

For provisions relating to power of village to frame its charter, See MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

Legislature to provide by general law for incorporation of. (Mich. VIII 20.)

Organization to be provided for by general law. (Kan. XII 5.)

Legislature to provide for organization of incorporated villages. (N.C. XIII 4; N.Y. XII 1; Wis. XI 3.)

Legislature to provide by general laws for organization of. (Ohio XIII 6.)

Municipal corporations with population over 5,000 are classified as cities and all others as villages. Method of transition from class to class to be regulated by law. (Ohio XVIII 1.)

General laws to be passed to provide for incorporation and government of; and additional laws may be passed for government of municipalities which adopt same; but no such additional law shall become operative in any municipality until submitted to electors thereof and affirmed by majority of those voting thereon under regulation established by law. (Ohio XVIII 2.)

Legislature to make provision whereby village existing by special or local law may elect to become subject to and be governed by the general laws relating to such corporations. (Colo. XIV 14; Mo. IX 7.)

Special or local legislation incorporating or amending charters of, forbidden. (Ariz. IV 19, 17; Ill. IV 22; Mo. IV 53; Nebr. III 15; N.M. IV 24; N.D. II 69; Okla. V 46; Pa. III 7; S.C. III 34; S.D. III 23; Tex. III 56; Wyo. III 27.)

Special and private legislation for incorporation or amendment of charter, forbidden. (Utah VI 26, 12; Wash. II 28 (8); Wis. IV 31.)

Incorporation and amendment of charters by local or special legislation in those containing population of less than 2,000, forbidden. (W.Va. VI 39.)

Private or special legislation for incorporation of, forbidden. (Ala. IV 104.)

Private or local legislation for incorporation of, forbidden except revision commission bills. (N.Y. III 18, 23.)

Local or special legislation incorporating, erecting, or changing lines of, forbidden. (Minn. IV 33.)

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VILLAGES (*Cont'd*)

OFFICERS

See also PUBLIC OFFICERS.

Compensation

Local or special legislation fixing or relating to the compensation, salary or fees of, forbidden. (Minn. IV 33.)

Corrupt Practices, *See below, this title,* CORRUPT PRACTICES.

Creation of Offices

Local or special legislation creating offices, forbidden. (Minn. IV 33.)

Election, *See* ELECTIONS.

Powers and Duties

Local or special legislation prescribing, forbidden. (Minn. IV 33.)

Removal

In case of elected officer to be removed in manner and for cause prescribed by law. (Mich. IX 8.)

Selection

If not provided for by constitution, shall be elected by electors of village or division thereof or shall be appointed by such village authorities as legislature shall designate. (N.Y. X 2; Wis. XIII 9.)

EMPLOYEES

All appointments and promotions in civil service of, to be made "according to merit and fitness to be ascertained so far as practicable by examination which so far as practicable shall be competitive"; but citizen veterans of Civil war resident in state to be entitled to preference without regard to standing on eligible list; laws to be passed to enforce this section. (N.Y. V 9.)

Legislature may regulate and fix wages and salaries and hours of work and make provision for protection, welfare and safety of. (N.Y. XII 1.)

POWERS AND RIGHTS

See also below, this title, PUBLIC UTILITIES.

For provisions relating to power of village to frame its charter, See MUNICIPAL HOME RULE — POWER OF MUNICIPALITY TO FRAME ITS CHARTER.

For provisions relating to taxation, See TAXATION.

For provisions relating to special assessments for benefits, See TAXATION — SPECIAL ASSESSMENTS.

In General

"May acquire, own, establish and maintain either or without its corporate limits parks, boulevards, cemeteries, hospitals, almshouses and all works which involve the public health or safety". (Mich. VIII 22.)

Right to reasonable control of streets or alleys and public places reserved to village. (Mich. VIII 28.)

Restrictions Upon

In General

No village to abridge elective franchise. (Mich. VIII 25.)

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VILLAGES (*Cont'd*)

POWERS AND RIGHTS (*Cont'd*)

Restrictions Upon (*Cont'd*)

Stock and Bond Holding

Not to be directly or indirectly owner of any stock or bonds of any association or corporation. (N.J. I 19.)

Not to become directly or indirectly owner of stock or bonds of association or corporation; but this does not prevent making such provision for aid and support of its poor as may be provided by law. (N.Y. VIII 10.)

CONTROL BY STATE

Special and local legislation regulating affairs of, forbidden. (Minn. IV 33; Pa. III 7.)

Streets, alleys or public grounds in any village not to be vacated or altered by legislature. (Mich. VIII 27.)

FINANCES

Deposits

All village money except as otherwise provided in constitution shall whenever practicable be deposited in a national bank or bank incorporated under laws of state; bank to furnish security approved as provided by law and to pay reasonable rate of interest, such interest to accrue to the fund from which it is derived. (Wyo. XV 7.)

Claims Against

Execution not to issue on judgment against incorporated village or against any officer therein in his official capacity and for which the village is liable; such judgment shall be paid out of the proceeds of a tax levy, and when so collected shall be paid by the "county treasurer" to the judgment creditor. (N.M. VIII 7.)

Aid to Private Enterprise Prohibited

Forbidden to give or loan money to or in aid of any individual, association or corporation. (N.J. I 19.)

Not to give money or property or lend money to or in aid of any individual, association or corporation; but this not to prevent making such provision for aid and support of its poor as may be authorized by law. (N.Y. VIII 10.)

Debt, *See below, this title*, DEBT.

Taxation, *See* TAXATION.

DEBT

For exemption of from taxation, See TAXATION — EXEMPTIONS.

Power to Incur Generally

Legislature to restrict power of borrowing money, contracting debts and loaning credit so as to prevent abuses. (Kan. XII 5; N.Y. XII 1; N.C. XIII 4; Ohio XIII 6; Wis. XI 3.)

Legislature to restrict by general laws their powers of borrowing money or contracting debts. (Mich. VIII 20.)

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VILLAGES (*Cont'd*)

DEBT (*Cont'd*)

Purpose

In General

Limited to "village purposes"; but village may make provision as authorized by law "for the aid or support of its poor". (N.Y. VIII 10.)

Not to lend credit for other than municipal purpose. (Mich. VIII 25.)

Aid to Private or Corporate Enterprise

Not to lend its credit to or in aid of any individual, association or corporation; but this not to prevent making such provision for aid and support of its poor as may be authorized by law. (N.Y. VIII 10.)

Not to lend credit to any individual, association or corporation, or become security for any association or corporation. (N.J. I 19.)

Legislature may authorize any political subdivision of state or defined district, which may include villages, to lend credit or incur debt for or in aid of irrigation, drainage or navigation improvements or construction and maintenance of roads. (Tex. III 52.)

Law or Ordinance Authorizing

Legislature may pass general laws authorizing villages to issue bonds; private, local or special legislation authorizing issuance of bonds or other securities forbidden unless authorized before enactment such law by vote qualified electors thereof at election held for purpose in manner prescribed by law; but legislature may, without such election, pass special laws to refund bonds issued before ratification constitution. (Ala. XII 222, IV 104.)

Referendum on Proposition to Incur

Legislature may pass general laws authorizing villages to issue bonds, but none to be issued under such laws unless first authorized by majority vote by ballot of qualified voters thereof voting on proposition. Special provision for form of ballot. This not to apply to renewal, refunding or reissuing of bonds lawfully issued or authorized by law enacted prior to ratification constitution; and not to apply to obligations incurred or bonds to be issued to pay for street and sidewalk improvements or sanitary or storm-water sewers, the cost of which is assessed in whole or part against property abutting said improvements or drained by such sewers. (Ala. XII 222.)

No debt to be created unless proposition is submitted at regular election for village officers to such qualified electors thereof as have paid a property tax therein during preceding year and is approved by majority of those voting by ballot deposited in separate ballot box. This not to prevent issue without submission to voters of bonds to pay or refund valid bonds of village. (N.M. IX 12, 15.)

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VILLAGES (*Cont'd*)
DEBT (*Cont'd*)
Referendum on Proposition to Incur (*Cont'd*)
No village or subdivision thereof to create any debt in excess of taxation for current year unless majority of such qualified electors as shall have paid a property tax in the preceding year shall approve proposition to create such debt. (Utah XIV 3.)
No village or subdivision thereof to create any debt in excess of taxes for current year unless approved by vote of people on proposition submitted. (Wyo. XVI 4.)
Limit of Amount
No village whose "present indebtedness" exceeds limit fixed by constitution to be allowed to become indebted in further amount except as otherwise provided by constitution, until debt reduced within limit; this not to prevent any municipality except one specified, from issuing bonds authorized prior to adoption of constitution; and not to prevent funding or refunding of "existing indebtedness". (Ala. XII 226, 225.)
Village authorized to acquire or operate public utility may issue "mortgage bonds therefor" beyond general bonded debt limit prescribed by law. These bonds not to impose liability on village but to be secured only on property and revenue of the utility "including a franchise, stating the terms upon which in case of foreclosure the purchaser may operate the same", but this not to extend longer than 20 years from date of sale of utility and franchise on foreclosure. (Mich. VIII 23.)
Districts of which villages may be a part may be authorized to issue bonds or otherwise lend credit in amount not exceeding one-fourth of assessed valuation of real property of such district when approved on referendum for irrigation, drainage or navigation improvements or in aid thereof, or the construction, maintenance and operation of paved roads and turnpikes or in aid thereof. (Tex. III 52.)
Not to become indebted to amount in aggregate including existing debt exceeding 4 per cent. of value of taxable property within village; to be ascertained by last preceding assessment for state or county purposes; bonds or obligations issued in excess of this limit to be void, except that debts may be contracted in excess of limit for construction or purchase of water-supply system or sewer system; this not to prevent issue of bonds to pay or refund valid bonds of village. (N.M. IX 13, 15.)
Not to be "allowed to become indebted in any manner or for any purpose to any amount including existing indebtedness in the aggregate exceeding 5 per cent. on the value of the taxable property therein"; to be ascertained by last assessment for state and county taxes previous to incurring debt. (Wis. XI 3.)

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VILLAGES (*Cont'd*)

DEBT (*Cont'd*)

Limit of Amount (*Cont'd*)

No village or subdivision thereof to create in any manner any debt exceeding 2 per cent. of assessed value of taxable property therein; but may be authorized to create additional indebtedness not exceeding 4 per cent. of assessed value of taxable property as shown by last preceding assessment, for purpose of building "sewerage". Debts existing prior to adoption of constitution may be bonded in amount not exceeding 4 per cent. on assessed value taxable property as shown by last assessment. (Wyo. XVI 4, 5, 3.)

Redemption and Interest

District or other political subdivision, of which villages may form a part, incurring debt or lending credit for purposes specified to levy and collect taxes and pay interest to provide sinking fund for redemption thereof. (Tex. III 52.)

Before or at the time of incurring debt provision required to be made "for collection of direct annual tax sufficient to pay interest on such debt as it falls due and also to pay and discharge the principal thereof within 20 years from the time of contracting the same". (Wis. XI 3.)

PUBLIC UTILITIES

See also above, this title, "POWERS AND RIGHTS—RESTRICTIONS UPON—STOCK AND BOND HOLDING", *and* "FINANCES—AID TO PRIVATE ENTERPRISE".

In General

Person or corporation constructing or operating on public streets under franchise liable to abutting property owners for actual damage on account of such construction or operation. (Ala. XII 227.)

Franchises

No person, association or corporation to be authorized or directed to use streets, alleys or public places of for construction or operation of "any public utility or private enterprise" without first obtaining consent proper authorities thereof. (Ala. XII 220.)

No street railroad to be constructed within incorporated village without consent of local authorities having control of street or highway proposed to be occupied. (Colo. XV 11.)

No street or other railroad to be constructed within incorporated village without consent of local authorities having control of street proposed to be occupied. (Ida. XI 11.)

Legislature not to grant right to construct or operate street railroad within incorporated village without requiring consent of local authorities having control of street proposed to be occupied. (Ill. XI 4; W.Va. XI 5.)

No person, partnership, association or corporation operating public utility to have right to use highways, streets, alleys or other public place of village for wires, poles, pipes, tracks or

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VILLAGES (*Cont'd*)
PUBLIC UTILITIES (*Cont'd*)
Franchises (*Cont'd*)
conduits without consent of duly constituted authorities thereof, or to transact a local business therein without first obtaining a franchise from village. (Mich. VIII 28.)
No public utility franchise to be granted which is not subject to revocation at will of village unless proposition approved by three-fifths electors voting thereon at regular or special municipal election. Women taxpayers having qualifications of male electors entitled to vote. (Mich. VIII 25.)
No street passenger railway or telegraph or telephone line to be constructed within limits of without consent of local authorities; legislature not to grant right to construct and operate street railway within incorporated village without requiring consent of local authorities having control of street proposed to be occupied. (S.D. X 3, XVII 10.)
Legislature not to pass law granting right to construct and operate street railroad within village without necessity first acquiring the consent of local authorities having control of street proposed to be occupied; and such franchise shall not be transferred without similar assent. (Mo. XII 20.)
Legislature not to grant right to construct and operate street railroads without first acquiring consent of local authorities having control of street or highway proposed to be occupied. (Okla. IX 10.)
Legislature not to grant right to construct or operate street railroad without first acquiring consent local authorities having control of street to be occupied. (Tex. X 7.)
Ownership and Operation
Subject to constitution village of not less than 25,000 may acquire, own and operate either within or without its corporate limits public utilities for supplying transportation to the municipality and the inhabitants thereof and may operate transportation lines without the municipality within such limits as may be prescribed by law. (Mich. VIII 23.)
Subject to constitution "may acquire, own and operate either within or without its corporate limits public utilities for supplying water, light, heat, power * * * to the municipality and the inhabitants thereof" and may sell and deliver outside corporate limits not exceeding 25 per cent. of amount furnished within corporate limits. (Mich. VIII 23.)
Acquisition forbidden unless proposition approved by three-fifths of electors voting thereon at regular or special municipal election. Women taxpayers having qualifications of male electors entitled to vote. (Mich. VIII 25.)

WARDS, *See* MUNICIPALITIES.

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WAREHOUSES

All elevators or storehouses for storing grain or other property for compensation are public warehouses, subject to legislative control. (Ky. 206.)

All elevators or storehouses for storing grain or other property for compensation, whether property stored separately or not, are public warehouses. (Ill. XIII 1.)

Different grades of grain shipped in separate lots not to be mixed with inferior or superior grades without consent of owner or consignee. (Ill. XIII 3.)

Every private corporation, individual or association furnishing storage or warehouse facilities, directly or indirectly, to or for public, declared to be public utility, subject to control and regulation of railroad commission, as provided by legislature. (Cal. XII 23.)

Grain elevators may, if commission determines amount of business justifies, make track connection with railroads, railroad furnishing contract materials and party owning elevator paying cost thereof. (Okla. IX 33.)

In cities of not less than 100,000, weekly and daily statements as to grain and other articles stored, must show amount and grade of grain and other property warehouse receipts issued and daily changes in quantity and grade of grain. (Ill. XIII 2.)

In cities of not less than 100,000, weekly statements under oath, before some designated officer, required from owner, lessee or manager, to be posted in warehouse and filed for public examination in place designated by law. (Ill. XIII 2.)

Legislature shall regulate and limit charges for storage; no person or officer charged with regulation to be selected by corporation or individual interested, and no officer or stockholder of interested corporation eligible for such office. (Cal. IV 33.)

Legislature shall prevent by law issue of false and fraudulent warehouse receipts. (Ill. XIII 6.)

Legislature required to give full effect to constitutional provisions concerning warehouses; may prescribe other remedies or deprive any person of existing common law remedies. (Ill. XIII 6.)

Owners of property stored or holders of receipts may always examine such property stored and all books and records of warehouse concerning same. (Ill. XIII 3.)

Railroad companies receiving or transporting grain must make deliveries to public warehouses it can reach and shall permit connections with their track by public warehouses. (Ill. XIII 5.)

Railroads and other common carriers or railroads required to weigh or measure grain where shipped and receipt for full amount. (Ill. XIII 4.)

Legislature empowered to erect, purchase or lease and operate one or more terminal grain elevators in this state, in Minnesota and Wisconsin, and to provide for the inspection, weighing and grading of all grain received therein. (N.D. XIV 1914.)

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WATERS

ADMINISTRATION OF RESOURCES

State engineer to be appointed by governor, confirmed by senate, for six years and until successor is appointed and qualified; to have theoretical knowledge, practical experience and skill to fit him for position; to be president of board of control, general supervision of waters and of officers connected with its distribution; legislature to divide state into water divisions, to provide for appointment of superintendents thereof; board of control to consist of state engineer and superintendents of divisions, under regulations prescribed by law to supervise waters of state and their appropriation, diversion, distribution and the various officers connected therewith; review of decisions by courts of the state. (Wyo. VIII 2, 4, 5.)

AGRICULTURAL USE

See below, this title, APPROPRIATION.

See below, this title, DEDICATION.

APPROPRIATED WATER AS PUBLIC USE, *See below, this title,* PUBLIC USE.

APPROPRIATION

Right

Right to divert and appropriate unappropriated water never to be denied. (Colo. XVI 5, 6.)

Right to appropriate and divert water of any natural stream to beneficial uses never to be denied. (Ida. XV 3.)

Unappropriated water of any natural stream, perennial or torrential, subject to, in accord with law. (N.M. XVI 2.)

No appropriation to be denied except when demanded by public interest. (Wyo. VIII 3.)

Municipal Corporations

Municipal corporations have same rights as individuals to acquire for domestic and municipal purposes by. (Wyo. XIII 5.)

Legislature to provide by law for condemnation by incorporated cities, towns and villages, from prior appropriators on payment of just compensation of enough water for their well-being and for domestic uses. (Wyo. XIII 5.)

Priority

To give better right. (N.M. XVI 2; Wyo. VIII 3.)

To give better right except that domestic uses shall be superior to any other, and agricultural superior to manufacturing. (Colo. XVI 5, 6.)

Priority of appropriation to give better right; domestic use over any other purpose, subject to limitations prescribed by law; agricultural uses over manufacturing; mining, or milling in connection with mining, over manufacturing or agricultural uses in organized mining district; use by such subsequent appropriator subject to provisions of law regulating taking of private property for public and private use. Priority of time to give superiority of right; but legislature may prescribe reasonable limitations as to quantity and times of use with due regard to priority of right and necessity of those subsequent in right. (Ida. XV 3, 5.)

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WATERS (*Cont'd*)

BEDS AND SHORES OF

State asserts ownership to including and up to line of ordinary high tide and ordinary high water in rivers and lakes, except that any person may assert his title in courts of the state, and state disclaims title to all tide lands patented by United States. (Wash. XVII 1, 2.)

People to continue to enjoy and freely exercise all previously existing privileges of the shore. (R.I. I 17.)

Eminent domain exists in state in all frontages of navigable waters. (Cal. XV 1.)

No tax, toll, impost or wharfage to be imposed, demanded or received from the owners of any commodity or merchandise for the use of, unless authorized by the legislature. (S.C. I 28.)

No tax, impost or wharfage except by express authorization of law from owner of any merchandise or commodity for use of shores of navigable streams. (Ala. I 24.)

Riparian owners on navigable rivers within towns of 5,000 population to have the right to erect and maintain wharves and buildings on banks owned by them as may be required for navigation and commerce subject to restrictions given in detail. (La. 290.)

No individual, firm or corporation claiming or possessing frontage of tidal lands on, to exclude rights of way thereto when needed for a public purpose, and legislature shall pass laws to secure access to navigable waters for people of the state. (Cal. XV 2.)

All tide lands within two miles of any incorporated city or town and fronting on the waters of any harbor, estuary, bay or inlet, used for purposes of navigation to be withheld from grant or sale to private persons, partnerships or corporations. (Cal. XV 3.)

Legislature to provide for appointment of commission to locate and establish harbor lines in all harbors, bays, estuaries and inlets within or in front of corporate limits of any city, or one mile thereof; state not to give, sell or lease rights in water beyond harbor lines to any individual, association or corporation, or to sell, grant or relinquish control of area between harbor lines and line of ordinary high tide; such area to be reserved for landings, wharves, streets and other conveniences of navigation and commerce; legislature to provide by general laws for leases of not over 30 years for wharves and landings thereon, or legislature may provide for wharves and other structures by general laws; municipal corporation may extend streets thereover. (Wash. XV 1, 2, 3.)

BOARD OF CONTROL, *See above, this title*, ADMINISTRATION OF RESOURCES.

BOUNDARIES OF STATE

Lake

Along boundary lines of other states or Canada in lakes. (Ill. I; Mich. I 1; Minn. II; Wis. II 1.)

River

By river. (Ind. XIV 1.)

Main channel. (Iowa Preamble; Mich. I 1; Miss. II; N.D. XVII 206; Wis. II 1.)

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WATERS (*Cont'd*)

BOUNDARIES OF STATE (*Cont'd*)

River (*Cont'd*)

Along shore of. (Ill. I.)

Middle of river. (Ill. I; Ind. XIV 1.)

Middle of channel. (Ariz. I; Cal. XXI 1.)

State includes bed, bank and shore of Ohio. (W.Va. II 1.)

Middle of main channel. (Wash. XXIV 1.)

Middle of main channel but including certain islands and land included and surveyed as part of state. (Ark. I.)

Middle channel. (Ida. XVII 1; Ore. XVI 1.)

Main channel as it existed at given date. (N.M. I.)

Center of river or thread of stream including all islands east of thread, and also any land at any time part of this state. (Miss. II 3.)

Sea

Including all islands six leagues off shore. (Ala. II 37.)

Middle of channel separating Vancouver Island from continent. (Wash. XXIV 1.)

One marine league at sea including all islands within the jurisdiction of United States. (Ore. XVI 1.)

Along the edge of the Gulf Stream and Florida reefs to and including Tortugas Islands, thence three leagues from land to point west of mouth of Perdido River. (Fla. I.)

Three miles from coast including all islands, harbors and bays along and adjacent to. (Cal. XXI 1; Wash. XXIV 1.)

Jurisdiction Over

State shall have concurrent jurisdiction on rivers forming boundaries between this and another state or territory. (Ind. XIV 2; Minn. II 2; Mo. I 1; Ore. XVI 1; S.C. XIV 1; Wis. IX 1.)

State shall exercise such jurisdiction on the Ohio as it is now entitled to or as may hereafter be agreed on with Kentucky. (Ill. I.)

CANALS, *See* CANALS.

CONSERVATION

Laws may be passed for conservation of lakes, streams, submerged and swamp lands. (Ohio II 36.)

CONTROL OF

Must be in the state, because essential to industrial prosperity, of limited amount and easy of diversion from natural channels. (Wyo. I 31.)

DEDICATION

Water used on land is dedicated to use thereon, owner of land cannot be deprived of it, on payment therefor and compliance with equitable terms and conditions prescribed by law. (Ida. XV 4.)

DITCHES, *See* DITCHES.

DOMESTIC USES, *See above, this title,* APPROPRIATION.

DRAINAGE, *See* DRAINAGE.

EMINENT DOMAIN FOR USE OF

See EMINENT DOMAIN — SPECIAL PUBLIC PURPOSES.

See EMINENT DOMAIN — PRIVATE PURPOSES.

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WATERS (*Cont'd*)

FISHING RIGHTS, *See* FISH AND GAME — RIGHT TO TAKE.

IRRIGATION

See IRRIGATION.

See above, this title, APPROPRIATION.

See below, this title, PUBLIC USE.

MANUFACTURING USES

See above, this title, APPROPRIATION.

See below, this title, PUBLIC USE.

MINING

See above, this title, APPROPRIATION.

See below, this title, PUBLIC USE.

MUNICIPALITIES, WATER SUPPLY FOR, *See* "MUNICIPALITIES — WATER SUPPLY," *and* "CITIES — WATER SUPPLY."

NAMES OF LAKES AND RIVERS

Local or special laws shall not be passed to change. (Minn. IV 33.)

NAVIGABLE

Declaration of Navigability

Legislature shall not pass special, private or local law declaring streams navigable. (Ky. 59, 17; Va. IV 63.)

Freedom of

Free to citizens of state and United States without tax, toll or impost. (Ala. I 24.)

Mississippi and navigable waters leading to same shall be common highways and forever free to citizens of this state and of the United States without tax, duty, impost or toll therefor imposed by this state. (Mo. I 1.)

Equal participation in free navigation of the Mississippi is an inherent right of citizens of Tennessee; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever. (Tenn. I 29.)

All shall ever remain free to citizens of the state and the United States without tax, impost or toll imposed, unless expressly provided for by general assembly. (S.C. I 28, XIV 1.)

All boundary navigable waters and all such leading into them, shall be common highways and free to citizens of state and of United States without tax, duty or impost or toll. (Minn. II 2.)

Mississippi, all navigable waters leading into it or St. Lawrence are free to inhabitants of state and to citizens of United States without tax, impost or duty therefor. (Wis. IX 1.)

Obstructions in

No person or corporation claiming or possessing frontage of tidal lands on, shall destroy or obstruct free navigation of. (Cal. XV 2.)

Legislature never to authorize permanent obstruction of, but may provide for the removal of such as now exist whenever public welfare demands; this section not to prevent construction, under proper authority, of drawbridges for railroads, or other roads, nor the construction of booms and chutes for logs

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WATERS (*Cont'd*)

NAVIGABLE (*Cont'd*)

Obstructions in (*Cont'd*)

in such manner as not to prevent the safe passage of vessels or logs under regulations provided by law. (Miss. IV 81.)

Legislature shall not enact private, local or special legislation authorizing construction of booms or dams in or the removal of obstructions therefrom. (Ky. 59; Va. IV 63.)

No navigable stream bridged or dammed without permission of county board of supervisors under provisions of the law, subject to reasonable compensation and other conditions to safeguard rights and interests of county and municipalities therein; no such law shall preclude state from improving navigation of navigable streams, or prejudice rights of individuals to free navigation thereof. (Mich. VIII 14.)

Regulation of Rates on

Legislature shall pass laws to regulate freight and passenger tariffs to prevent unjust discrimination and to prohibit charging other than just and reasonable rates, and to enforce the same by adequate penalties. (Ala. XII 243.)

OYSTER BEDS

Natural oyster beds, rocks and shoals to be held in trust for people of state subject to regulations and restrictions prescribed by legislature, and not be sold, rented or leased. (Va. XIII 175.)

PUBLIC PROPERTY

See also above, this title, BEDS AND SHORES OF.

Water of every natural stream not heretofore appropriated is property of the state, dedicated to use of people. (Colo. XVI 5.)

All unappropriated water of any natural stream, perennial or torrential, belongs to public. (N.M. XVI 2.)

All flowing streams and natural water courses shall remain property of the state for mining, irrigating and manufacturing purposes. (N.D. XVII 210.)

Waters of all natural streams, springs, lakes or other collection of still water, within the state, are declared to be property of the state. (Wyo. VIII 1.)

PUBLIC USE

Use of all waters now or hereafter appropriated for sale, rental or distribution declared to be a public use subject to control and regulation of the state. (Cal. XIV 1.)

Use of all waters now or hereafter appropriated for sale, rental or distribution, also of all water originally appropriated for a private use but which subsequently has been or may be sold, rented or distributed, declared to be a public use subject to control and regulation of the state. (Ida. XV 1.)

Appropriated for sale, rental, distribution or other beneficial use, declared public use. (Mont. III 15.)

Use of waters for irrigation, mining and manufacturing shall be deemed a public use. (Wash. XXI 1.)

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WATERS (*Cont'd*)

RATES

Right to collect for use of waters supplied to any county, city and county, or town, or inhabitants thereof, is a franchise and cannot be exercised except by authority of and in the manner prescribed by law. (Cal. XIV 2.)

Same; with addition of "water districts." (Ida. XV 2.)

Legislature shall provide by law the manner in which reasonable maximum rates may be established to be charged for the use of water sold, rented or distributed for any useful or beneficial purpose. (Ida. XV 6.)

Legislature may provide by law that county commissioners may, on application of either party interested, establish reasonable maximum rates for water whether furnished by individual or corporations. (Colo. XVI 8.)

Shall be fixed for water supplied to city and county, or city, or town, or inhabitants thereof, by governing body thereof, as legislative acts are passed by it, for periods of one year at fixed time; if not fixed at such time, peremptory process may be brought to compel action, and legislature may fix other penalties for delay; if rates are collected otherwise than so established, works of corporation or individual shall be forfeit to city and county, city or town for public use. (Cal. XIV 1.)

RESERVOIRS

See also EMINENT DOMAIN — SPECIAL PUBLIC PURPOSES.

See also EMINENT DOMAIN — PRIVATE PURPOSES.

In forest preserve, three per cent. of land may be used for reservoirs to be constructed, owned and controlled by state for municipal water supply, for canals of state, and to regulate flow of streams; state to receive reasonable return; detailed provisions as to expense and conditions of use. (N.Y. VII 7.)

Land needed for storage of water for irrigation may be purchased like other school lands; patent to issue when principal and interest paid, either at time of sale or any time thereafter. (N.D. IX 158.)

RIGHT TO

Common-law doctrine not to obtain and be of any force or effect in this state. (Ariz. XVII 1.)

All existing rights for use of waters of state for useful or beneficial purpose confirmed. (Ariz. XVII 2; N.M. XVI 1; Utah XVII 2.)

Beneficial to be basis, measure, and limit to right of. (N.M. XVI 3.)

STATE ENGINEER, *See above, this title,* ADMINISTRATION OF RESOURCES.

SUPPLY FOR MUNICIPAL CORPORATIONS, *See* MUNICIPAL CORPORATIONS — WATER SUPPLY.

USE OF

In providing for, state equally to guard all various interests involved. (Wyo. I 31.)

WATER COURSES

Legislature not to pass any local, special or private law relating to. (Miss. IV 90.)

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WATERS (*Cont'd*)

WATER POWER

Laws may be passed for the development and regulation of. (Ohio II 36.)

State may appropriate money to acquire, preserve and develop water power of state, but not under this section in any one year amount to exceed two-tenths of one mill of taxable property of state on last preceding state assessment. (Wis. VIII 10.)

Lands reserved by secretary of interior for water power, power for hydro-electric use or transmission, from grants by Congress within five years from admission of state, not to be disposed of by state, any conveyance or transfer void. (Ariz. X 6.)

Power developed from Illinois state deep waterway to be leased in part or in whole as provided by law; rental subject to revaluation every 10 years, income to be paid into state treasury. (Ill. XIV Canal Section.)

WHARVES

See also above, this title, BEDS AND SHORES.

In harbors, *See* HARBORS.

Legislature to pass laws to regulate wharfage. (Cal. IV 33.)

Establishment and regulation of wharves and public landings in power of county court. (W.Va. VIII 24.)

Right to collect wharfage on wharves devoted to public use to be under control of and dependent on legislative authority. (Tex. XII 3.)

No tax, toll, impost or wharfage shall be imposed, demanded or received from owners of any merchandise or commodity for use of, unless authorized by legislature. (Ala. I 24; S.C. I 28.)

Person or private corporation or association furnishing wharfage facilities directly or indirectly to or for the public, a public utility and under control of railroad commission. (Cal. XII 23.)

Rights of city or town in or to its water front, wharf property, public landings, wharves and docks not to be sold except by vote of three-fourths of all members elected to council, or to each branch thereof, and other restrictions provided by law; in case of veto, of sale by mayor to be passed by three-fourths of elected members of council. (Va. VIII 125.)

WEIGHTS, *See* INSPECTION.

WHIPPING *See* CRIMES — PUNISHMENT.

WILLS, *See* DECEDENTS' ESTATES — WILLS.

WITNESSES

See also EVIDENCE

As to rights of accused to process to obtain, and to be confronted with, See CRIMES—RIGHTS OF ACCUSED.

QUALIFICATIONS

Any party to judicial proceeding right to use as witness or take testimony of any person not disqualified on account of interest. (Iowa I 4.)

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WITNESSES (*Cont'd*)

QUALIFICATIONS (*Cont'd*)

In civil actions no witness to be excluded because he is party to suit or interested in trial, but in actions by or against administrators, executors or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transaction with or statements of the testator, intestate or ward, unless called upon to testify thereto by opposite party; this section may be amended or repealed by legislature. (Ark. Sched. 2.)

Religious test prohibited. (Ariz. II 12; Cal. I 4; Fla. D.R. 5; Kan. B.R. 7; Ind. I 7; Iowa I 4; Mich. II 17; Mo. II 5; Nebr. I 4; Nev. I 4; N.Y. I 3; N.D. I 4; Ohio I 7; Ore. I 6; Tex. I 5; Utah I 4; Wash. I 11; Wis. I 19; Wyo. I 18.)

Absence of religious belief no bar. (Tex. I 5; Utah I 4.)

Religious test prohibited, provided belief in existence of God and that he will be held accountable for his acts and be rewarded or punished in this world or in the world to come. (Md. D.R. 36.)

No person to be disqualified on account of religious belief; person who denies the being of God not competent to testify in any court. (Ark. II 26, XIX 1.)

Husband and wife not compelled to testify against each other (not clear whether limited to criminal cases). (Utah I 12.)

Laws may be passed for regulation of expert witnesses and expert testimony in criminal trials and proceedings. (Ohio II 39.)

RIGHTS

Not to be confined in any room where criminals are actually imprisoned. (Cal. I 6; N.D. I 6; Wyo. I 12.)

Not to be unreasonably detained. (Ark. II 9; Cal. I 6; Fla. D.R. 8; Mich. II 15; N.Y. I 5; N.D. I 6; S.C. I 19.)

Not to be imprisoned for purpose of securing testimony longer than necessary to secure deposition. (Colo. II 17; Wyo. I 12.)

Same; limited to criminal proceeding. (Mont. III 17.)

To be discharged if security can be given; it not, deposition to be taken by some judge at earliest time and convenient place, and thereafter witness to be discharged on own recognizance. (Colo. II 17.)

No voter during time of holding election at which he is entitled to vote, to be compelled to attend court as witness. (Va. II 29.)

Same; adds "or during time necessary and convenient for going to and returning from same". (W.Va. IV 3.)

WEIGHT OF TESTIMONY

Not to be affected by religious opinions. (Ariz. II 12, Ore. I 6; Wash. I 11.)

WOMEN

Right to vote, See ELECTIONS—QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS.

Right to hold office, See PUBLIC OFFICERS — QUALIFICATIONS AND DISQUALIFICATIONS — SEX.

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WOMEN (*Cont'd*)

Rights in regard to education, See EDUCATION.

Marriage, See MARRIAGE.

As employees, See LABOR.

AGE OF CONSENT

For unmarried women to be 14. (S.C. III 33.)

EQUAL RIGHTS

Female citizens to enjoy equally with male citizens all civil, political and religious rights and privileges. (Utah IV 1; Wyo. VI Suffrage 1.)

Laws of this state affecting political rights and privileges of its citizens to be without distinction of sex. (Wyo. I 3.)

Legislature to provide for equal rights in possession of children. (Kan. XV 6.)

No person, on account of sex, to be disqualified from entering upon or pursuing any lawful business, vocation, or profession. (Cal. XX 18.)

Legislature not to create distinction between rights of men and women to acquire, own, enjoy and dispose of property, or to contract in reference thereto. (Miss. IV 94.)

MARRIED WOMEN

Removal of Disability

"Fully emancipated" from disability on account of coverture, but legislature may regulate contracts with husband, and sale of homestead. (Miss. IV 94.)

Local or special law not to be passed "relieving an infant of *feme covert* for disability". (Ky. 59.)

Separate Property

All property owned by either husband or wife before marriage and that acquired by either afterwards by gift, devise or descent, to be separate property. (Cal. XX 8.)

Property of wife to be protected from debts of husband. (Md. III 43.)

Legislature to provide for protection and rights of women in acquiring and possessing property separate and apart from husband. (Kan. XV 6.)

Legislature to pass laws necessary to protect property of married women from debts, liabilities and control of their husbands. (W.Va. VI 49.)

Property of wife at time of marriage, and property given to, inherited or acquired by her, to remain separate property and not liable for debts of husband. (Ga. III Sec. XI 1.)

Property and pecuniary rights of married women at time of marriage or afterwards acquired by gift, devise or inheritance not to be subject to debts or contracts of husband. (Ore. XV 5.)

Real and personal property of married woman in state to remain her separate estate and property as long as she may choose and may be devised, bequeathed or conveyed by her as if single and not to be subject to debts of husband. (Ark. IX 7.)

Real and personal property of woman in state acquired before

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WOMEN (*Cont'd*)

MARRIED WOMEN (*Cont'd*)

Separate Property (*Cont'd*)

marriage and property to which she becomes entitled after marriage, to be her separate property and not liable for debts of husband. (N.D. XVII 213; S.D. XXI 5.)

Property of wife, owned or claimed by her before marriage and that acquired afterwards by gift, devise or descent, to be her separate property; and laws to be passed more clearly to define rights of wife in relation to separate property and to that held in common with husband. (Nev. IV 31; Tex. XVI 15.)

Real and personal property of woman held at time of marriage or which she may thereafter acquire by gift, grant, inheritance, devise or otherwise, shall be her separate property and she shall have rights incident to same to which unmarried woman or man is entitled. (S.C. XVII 9.)

Estate of every woman acquired before marriage, and property to which she may afterwards become entitled by purchase, gift, grant, inheritance or devise, to remain her estate and property and not liable for debts, obligations or engagements of husband, and may be conveyed, devised or bequeathed by her as if she were unmarried. (Ala. X 209; Mich. XVI 8; Utah XXII 2.)

Real and personal property of any female acquired before or which may be acquired after marriage, to remain her sole and separate estate, not to be liable for husband's debts, may be devised or bequeathed, and with written assent of husband conveyed by her as if she were unmarried. (N.C. X 6.)

Real and personal property owned before marriage or acquired afterwards by gift, devise, bequest, descent or purchase to be separate property, not liable for debts of husband without consent in writing. Married woman's separate real or personal property may be charged in equity and sold or rents sequestrated for purchase money or for amount due on agreement in writing made by her for benefit of separate property or for price of property purchased by her or labor and material used with her knowledge or consent in construction of buildings or for repairs or improvements on her property or agricultural or other labor bestowed thereon with her knowledge or consent. (Fla. XI 1, 2.)

Laws to be passed providing for registration. (Nev. IV 31; Ore. XV 5; Tex. XVI 15.)

Legislature may provide for time and mode of scheduling separate personal property. (Ark. IX 8.)

Right to Contract

May contract and be contracted with in same manner as if unmarried. (S.C. XVII 9.)

Legislature not prevented from regulating contracts between husband and wife; legislature not to create distinctions between rights of men and women to contract in reference to property. (Miss. IV 94.)

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WOMEN (*Cont'd*)

MARRIED WOMEN (*Cont'd*)

Life Insurance of Husband

Husband may insure his own life for sole use and benefit of his wife and children, and in case of death of husband, amount thus insured to be paid over to wife and children, or to guardian, if under age, for her, or their own use free from all claims of representatives of her husband, or any of his creditors. (N.C. X 7.)

WORKMEN'S COMPENSATION

Legislature to enact compulsory compensation law applicable to workmen engaged in manual or mechanical labor in employments determined by legislature to be especially dangerous, by which "compulsory compensation" to be required to be paid to workman by employer in case personal injury from accident arising out of and in course of employment is caused in whole or in part, or contributed to by necessary risk or danger of employment or inherent in nature thereof, or by failure of employer or his officers, agents or employees, to exercise due care or to comply with law affecting such employment; provided that it is optional with employee to settle for compensation or to retain right to sue employer "as provided by constitution". (Ariz. XVIII 8.)

Legislature may by appropriate legislation create and enforce liability on part of all employers to compensate their employees for injury incurred by such employees in course of their employment irrespective of fault of either party, and may provide for settlement of disputes arising under legislation contemplated by this section, by arbitration, or by industrial accident board, by courts, or by either any or all of these agencies, notwithstanding anything in constitution. (Cal. XX 21.)

Nothing contained in constitution to be construed to limit power of legislature to enact laws for payment, either by employers, or by employers and employees or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where injury occasioned by wilful intention of injured employee to bring about injury or death of himself or another, or where it results solely from intoxication of injured employee while on duty; or for adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that right of such compensation and remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that amount of such compensation for death shall not exceed a fixed or determinable sum; provided that all moneys paid by employer to his employees or their legal representatives by reason of enactment of any of the laws herein authorized shall be held to be proper charge in cost of operating business of employer. (N.Y. I 19.)

For purpose of providing compensation to workmen and their dependents, for death, injuries or occupational diseases, occasioned in course of such workmen's employment, laws may be passed establishing state fund to be created by compulsory contribution thereto by employers, and admin-

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WORKMEN'S COMPENSATION (*Cont'd*)

istered by state, determining terms and conditions upon which payments shall be made therefrom, and taking away any or all rights of action or defenses from employees and employers; but no right of action to be taken away from employee when injury, disease or death arises from failure of employer to comply with lawful requirement for protection of lives, health and safety of employees. Laws may be passed establishing board which may be empowered to classify occupations, according to degree of hazard, to fix rate of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto. (Ohio II 35.)

Legislature may pass laws compelling compensation for injuries received by employees in course of their employment resulting in death or bodily hurt, for benefit of such employees, their widows or next of kin. It may designate class or classes of employers and employees to which such laws shall apply. (Vt. II 66.)

As to extra hazardous employments, legislature to provide by law for accumulation and maintenance of fund or funds out of which to be paid compensation as fixed by law according to proper classifications to persons injured in such employment or to dependent families of such as die as result of such injuries, except in case of injuries due solely to culpable negligence of injured employee. Such fund or funds to be accumulated, paid into state treasury and maintained in manner provided by law. Right of each employee to compensation from fund to be in lieu of right of action against contributing employer in favor of any person or persons by reason of such injury or death. (Wyo. X 4 (1914).)

WRITS

For power of courts to issue, See the various classes of courts throughout the title COURTS. *For style of, See* COURTS — PROCESS. *For special provisions as to habeas corpus, See* HABEAS CORPUS, WRIT OF.

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